2

BOJORQUES

DON
BARTOLOMÉ
FRANCISCO
BOJORQUES

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3. Cont. 1860 Agricultural Census. Land being sold from the Rancho Laguna de San
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55. Part of the 1898 Sonoma Co. Atlas..
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57. Part of the Petaluma Quadrangle.

BARTOLOME FRANCISCO BOJORQUES, b. 25 Aug. 1780, bap. 27th. " Misn. Sta. Clara, Book I #217, Fr. Murgia. his birthplace, Calif. Padrinos: Jose Dionisio Bernal & Maria Gertrudis Pacheco wife of Zeferino Lugo. 1st. Misn. site. Pts: Pedro Antonio Bojorquez & wife Maria Angela de la Luz Trejo.

Grantee of Laguna de San Antonio.
See Part I for details on parents.

wife:
MARIA NICOLASA LINARES, b. 9 Sep. 1784 at Misn. Sta. Clara, bap. 12th. " #680 by Fr. Diego de Noboa. Sponsors: Manuel Ramirez Arrellano & Maria Agueda Lopez.
Pts: Ygnacio Jose Antonio Linares, Indian recruited at Tubac Presidio by Juan Bautista de Anza. Veteran soldier of 2nd. de Anza exp. 1775-76. His pts. Gregorio Linares & Manuela Gonzales did not come to Calif. Settler at San Jose in 1784, Indian in 1790 census, retired in 1793 " His wife was Maria Gertrudis Rivas, pts. unknown. They had 11 children born in Sonora, Mexico and California. She was of Spanish descent.

Marriage: Nov. 1803, Misn. Sta. Clara. Vol. I #1060, Bartolome Bojorques, 20 native of the Pueblo of San Jose; with Maria Nicolasa Linares, 17, daughter of the late Ygnacio Linares and Gertrudis Rivas: (Fr.) Viader.
Note: this marriage took place at the 2nd. Misn. site, see map. Part I.

d. 4 Sep. 1863, Chileno Valley, Rancho Laguna de San Antonio, Marin side. bur. in Petaluma but whether at Oak Hill now a park or Cypress Hill still a cemetery is unknown. His adobe had burned in the 1850"s and he lived in a wood house evidently at the time of his death. His wife, Maria Nicolasa Linares d. 26 Apr. 1869, heart, and was buried in Petaluma and is listed in an old ledger at the Parent Funeral Chapel. Petaluma Argus Thurs 4-29-1869 Died Mrs. Mary N. Bojorques in San Antonio Apr 26 aged 94 yrs. 6 mos.

Children:
JUANA MARIA, b. 16 Aug. 1804, San Francisco Presidio, bap. 18th, ", Misn. S.F. de Asi by Fr. Ramon Abella, #3096. Sponsors: La Barrosa & Josefa Sanchez.
She had a natural daughter before her 1st. marriage.
m. 1. Richard William Williams, 16 June 1830, Misn. Sta. Clara, He was from Devon, England.
m. 2. Jose Ygnacio Teodoro Higuera, 30 Nov. 1835, Misn. San Rafael
m. 3. Andrew Johnson who dug up a can of money she had buried and disappeared.
d. 23 Apr. 1872, at home nr. Olema, Marin Co. bur.? See section on her.

2. JUAN, b. 16 Dec. 1806, San Jose, Cal. bap. 18th. ", Misn. Sta. Clara. Sponsor: Maria Luisa Bottillier.
m. 1835 ? to Maria Loreto Pelagia Berreyessa. They later re-married in the U.S. period.
d. After 1880, San Jose.

3. ANGEL MARIA de la Luz, b. 1 May 1809, San Jose, bap. 6th, ", Misn. Sta. Clara by Fr. Catala. Sponsors: Juan Bojorques (his uncle) and Rosa Linares (Maria Rosa Egidia Linares, his mother"s younger sister.
m. 1. Maria Gabriella Josefa Altimirano, 7 Feb. 1831, Misn. Sta. Clara.
m. 2. Maria Clara Lorenza Higuera - ?
d. 31 July 1868, smallpox ? bur. Calvary, Petaluma

4. MARIA JOSEFA JUSTINA, b. 25 Sep. 1811, bap. 28th. Misn. S. F. de Asis, #4424 by Fr. Juan Sainz de Lucio. Father soldier of the Presidio. Sponsors: Jose Ant. Aguilar & Maria Soledad.
d. 20 Sep. 1812, bur. Misn. Sta. Clara

5. JOSE YGNACIO de JESUS, b. 7 June 1814, San Jose, bap. 9th. Misn. Sta. Clara, #6204 by Fr. Viader, Sponsors: Ygnacio Alviso & Margarita Bernal Single. At Sonoma Dec. 4, 1834 with M.G. Vallejo's troops
d. June 1847, died suddenly. bur. 16th. Mission Santa Clara

6. JOSE GERARDO (called Geraldo), b. 3 Sep. 1816, S.F. Presidio, bap. 4th " Misn. S.F. de Asis. Sponsors: Jose Anto. Aguilar & wife Maria Soledad.
m. 12 Nov. 1839, Misn. Sta. Clara to Maria Francisca Valencia
d. 1893, Inspiration Point, Sta. Monica Canyon

7. PEDRO DOLORES, b. 7 July 1819, S.F. Presidio, bap. 8th. " Misn. S.F. de Asis by Fr Juan cabot. Sponsors: Marcos Altimirano & Petra Pacheco
m. 1 June 1848, Misn. S.F. de Asis to Maria Luisa Duarte
d. 9 Feb. 1880, Petaluma, consumption.

8. MARIA TEODOCIA, b. 29 May 1822, San Jose. bap. 30th. " Misn. Sta. Clara. Sponsors: Leandro Galindo & Ma. Ignacia Villavicencio wife of Marcos Altimirano. Fr. Catala
m. 1. Victor Prudon, 18 Aug. 1840, Misn. Sta. Clara
m. 2. Julio Maria Carrillo, Sep. 1862, St. Vincent de Paul's, Petaluma
d.

9. MARIA MARCELLA, b. 22 Feb. 1825, San Jose. bap. Misn. Sta. Clara by Fr. Viader. Sponsors: Juan Bojorques & Paula Sepulveda
m. 1. Jose de Jesus Lopez, 25 Feb. 1844, Misn. San Rafael
m. 2. John Slert, 20 Jan. 1856, L.A. Plaza Church
d. 14 Jan. 1896, Santa Monica, bur. "

10. MARIA ANGELINA de la LUZ, b. Oct. 1831, bap. 8 Oct. ", Misn. S.F. de Asis, Sponsors: Jose Sanchez & wife Ana Josefa Soto.
Natural son year before 1st. marriage
m. 1. Henry Howe, 3 Nov. 1849, Misn. S.F. de Solano
m. 2. Faustino Antonio Talamantes, 2 Sep. 1872, St. Vincent de Paul's, Petalu
d. 7 May 1901, home on fairgrounds, Petaluma
bur. 9th. ", Howe Plot, Calvary, Petaluma

Misc. data on Bartolome Francisco Bojorques - enlistment

Bojorques, Bart, Pts: Pedro & Angela Trejo, ae. 17, at S.F. 11/5/98

1798, 1st. June. Witness to the wedding of Joaquin Soto & Maria de la Luz Berreyessa, other witnesses, Francisco & Carlos Castro. His bro. Hermenegildo read the bans with Jose Dolores Mesa who was mayordomo at Misn. San Jose.

1815, Mayordomo for Don Luis Arguello at Rancho Las Pulgas (the fleas) San Mateo Co. at that time still a national rancho

1822, may or may not have been on trip with Arguello to order Russians to leave Fort Ross, etc. Party stopped at San Vicente on the northern Frontier, a military ou post in 1811 when Russians were first encountered there in Calif. Their courier rode in to the astonishment of the Spanish. Chileno Valley crossroads area? Amaelle was an Indian Village of the Miwok here. San Vicente seems to have been the name of the valley from San Pablo Bay towards Tomales Bay.

1824-25, Regidore at Pueblo de San Jose, Juan Miranda was secretary and later grantee of Ran cho Arroyo de San Antonio on the east boundary of Rancho Laguna de San Antonio of Don Bojorques.

1835, Dec. 13. Elector, primary election at Plaza of Misn. S.F. de Asis. H.H. Bancrof thinks at the presidio. Bartolo Bojorques, Jose C. Sanchez, Ignacio Peralta, Joaquin Estudillo, Candelario Valencia.

1836, June, at Sonoma.

1837, 16 May. M. G. Vallejo at Sonoma gives permission for Bartolome Francisco Bojorques to settle at Laguna de San Antonio and a log palizada was built.

1839, main adobe built

1844, William Benitz from Germany draws a diseno (map) of Rancho de Bartolome Bojorce

1845, Land grant of Rancho Laguna de San Antonio made final by Governor Pio Pico.

1846, 20 June, Bear Flaggers take four prisoners at Laguna de San Antonio, names not given, two others escape. Henry L. Ford gets information that Juan Padilla and his men are at Olompali. Bear Flaggers ride there and surprise the Californios at breakfast. The Californios mount their horses and charge the Bear Flaggers who have taken cover and Manuel Cantua is killed and the Californios retreat to San Rafael.

1850"s, Adobe of Bartolome Bojorques burns and he lives 150-300 feet s.e. of its site

1853, 5 Mar. Bartolome Bojorques testifies for Juan Martin of Rancho Corte de Madera. This rancho was on the south boundary of Rancho Laguna de San Antonio.

1860, Bartolome Bojorques testified in Gates vs. Salmon

1860, Census, San Antonio Township, June 1
Bartolome Bojorques 100 m farmer Value of real estate $1000 personal estate
Nicolasa 100 housewife can"t read or write. $300
Vetro 10 m laborer (son of his youngest daughter ?

1861, Testified for his compadre Jose (Antonio) Sanchez on Rancho Buri Buri in San Mateo Co. Sanchez"s daughter Hilaria m. Juan Reed and she was sponsor for Jose de Jesus Williams with Bartolome Bojorques. The child was his grandson, b. 1831. Juan Reed from Ireland was grantee of Rancho Corte Madera del Presidio (Cut of Wood of the presidio) The main timbers of his mill still stand in a park in Mill Valley.

1863, Bartolome Francisco Bojorques died.

In 1860 the agricultural census listed 8 acres for Bartolome Bojorques $1.000 cash value of farm, $50 farm implements, 1 horse, 4 milch cows, 2 working oxen $200 value of live stock.

The 1853 ledger of James Black, back of p. 207, assessor for Marin Co.

1600 Tustin (early American settler)
2500 Bart (Bojorques)
1500 Howe (son in law)
2952 Pedro(son)
2000 Ancle (Angel, son)
200 Talemtn (son in law)
150 Hawlittle (early American settler)

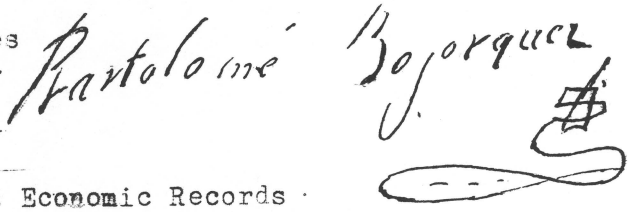
14.102 P. B. Hewlett ?

2000 Lopez (son in law)

Note: the rancho was being sold off to pay taxes and probably the costs of the Federal land case of Laguna de San Antonio. I do not know if the Bojorques took cattle to the Gold Rush area lik some of their contempories who made a lot of money till the half wild California cattle were superceded by oth livestock. This prosperity was short lived.

How the Bojorques sold land after it was given by Don Bartolome Francisco Bojorques to his children for love and affection in described in Gates vs. Salmon. This printed trial was found in a lawyer's office in Petaluma when the building was being torn down. The land was not surveyed and divided. Buyers found that their boundaries overlapped. They claimed to have bought some of the same land from various members of the Bojorques family, they had chosen their own acreage. The case dragged on for years and boundaries were never completely settled evidently.

Gil Bojorques loaned me the copy so that I could copy it in the late 1960"s. He was a gt. grandson of Don Bartolome Francisco Bojorques.



Signature of Don Bartolome Bojorques traced from Expediente 483, photostat from the copy in the National Archives, Social & Economic Records Divisision, Record Group 49

Expedientes were the legal documents of the land grant consisting of the grantee's request for the land, description and the governments reply. It also serve as a deed. Evidently there were two copies, one for th grantee and one for the Government archives in Montere in the Customs House.

San Vicente de la Frontera del Norte - Canada de San Vicente

I do not know when Spanish explorers may have first gone up into the Marin-Sonoma region by land. In 1775 when San Francisco Bay was being explored a boat from the ship San Carlos went up Petaluma Creek.

In 1776 when the Presidio and Mission of San Francisco were being founded, Lt. Fernando Quiros with Jose Canizares who drew an early map of the bay and Fr. Cambon went up Petaluma Creek in a boat to see if it connected with Bodega Bay.

In 1793 there was a plan to occupy Bodega (named by Lt. Bodega Y Cuadra in 1775 while exploring the coast in a thirty foot open boat) Lt. Goycoecheca was to find a route for a road to Bodega. He started from S.F. with a sgt. and ten men to meet Juan B. Matute of the ship Aranzazu at Bodega. To what extent he explored or exactly where he went seem to be unknown and the project was abandoned.

By 1811 San Vicente de la Frontera del Norte in the canada of the same name had been occupied. I don't know why.

H.H. Bancroft's History of California, Vol. II, pp. 294- tells of the first Russian incursion into California. Other than type all of it I will summarize. A proclamation to the California people had been sent from St. Petersburg, Russia to Sitka, Alaska. Before Mar. 1812 the document was received in Lower California and perhaps in the north. Russian authorities said (to Bancroft ?) that it was brought by Capt. Ayres or by a confidential agent on his ship and then brought (by a courier) to San Vicente which was some kind of outpost of which I never have found any details. It was commanded by Manuel Ruiz. Capt. Ayres ship, the Mercury was at Drake's Bay in Nov. 1810. The proclamation was about how the Russian wanted to settle and trade with the Spanish in California, it was in three languages On March 26, 1812 Commander Ruiz at San Vicente wrote to an unnamed person, probably the Russian agent, that he doubts trade will be permitted but that he had forwarded the proclamation to Gov. Goycoechea. This proclamation was instigated by the Russian American Co. with the approval of the Russian Government. I do not know when San Vicente was founded, how many men were there or why. Possibly it was being considered as a mission site. Mission San Rafael was founded later to the south on Dec. 14, 1817. I do not know when San Vicente was abandoned. On p. 463 Bancroft gives an account of the canon of Durango Cathredral, Agustin Fernandez de San Vicente, was accompanied by a party in 1822 to visit the Russian at Ft. Ross. He was accompanied by a priest, Fr. Payeras who wrote a diary. They started from Monterey and on to S.F. then were rowed to San Rafael, to Olompali (Sierra de Santa Lucia de Olompali) then 2 leagues n.w. to Arroyo (Creek) de San Antonio, 6 leagues n.w. intothe hills and Canada de San Vicente, with two springs. Whether San Vicente was still at this time occupied by the Spanish I do not know. In vol. III, p. 196, tells how Governor Victoria had banished Jose Antonio Carrillo to San Vicente on the Frontier after he got into some obscure political troubles. P. 200 says that Carrillo came south to instigate a revolt against Victoria.

The former Shirley Joseph of Chileno Valley, in the late 1960s had sent an article Old San Vicente by Rose Linebaugh that had been published in the Pastimer of the Marin Co. Historical Society for Jan. 1945. Here is the article.

OLD SAN VICENTE

On October 20, 1822, there came riding up from San Rafael on a state journey to Bodega, two priests, Father Mariano Payeras, prefect of California missions, and Father Agustin Fernandez de San Vicente, canon of Durango Cathredral. They were accompanied by Captain Don Luis Arguello, who soon became first Mexican governor.

They rode five leagues north to Ompali, two leagues northwest to the valley of San Antone Creek and then six leagues over many hills to a place called San Vicente where they camped. Here were two large springs, Father Payeras tells us in his diary. This place was known and named before this time so no doubt was an Indian village of importance.

On October 21, they rode 11 leagues to Bodega Bay.

Now where was San Vicente 13 leagues from San Rafael and 11 leagues from Bodega? Four years ago, I determined to find some trace of it. Father Payeras' journey was a light and rapid expedition, along the shortest trails and by established stations. He merely mentions the two springs of San Vicente.

Across the southern end of Chileno Valley is a divide which seperates the creek flowing south to form the San Antonio Creek and waters of Laguna de San Antonio on the north.

In the vicinity of Hans Juhl's old roadhouse, (the building is still standing) are some beautifull meadows where the creeks join to San Antonio Creek. The old hil trail from here led to Santiago de los dos Piedras (Two Rock). One of these creeks was called Pua (thorny) Creek.

Here at a later date was located OLD SPANISH TOWN. Now, had travelers followed the the trail on from here they could not have camped until they reached Santiago as there is no water on the ridge. Had they camped before they reached Pua Creek, they could not have traveled six leagues as Father Payeras states in his diary, from the valley of San Antonio. From this place along the old trails it is about 11 leagues to Bodega Bay.

I located two large springs a short distance south of Hans Juhl's old house. One of these is still called "Indian Water Hole" and the farmers tell me it supplies a great amount of water to them at this day.

I visited Mr. Wetmore, whose house is on a high meadow near the Indian Water Hole. He told me a large Indian village had been there and showed me the kitchen. By a rock pile near his house, was a flat rock probably six feet long and four feet wide with round pot-holes nine to ten inches in diameter ground out. They were about six inches deep--the size of the usual stone mortars of Indians. Here the squaws could stand and grind their acorns or grain as they visited and watched their papooses. From all of my observations, I believe this is the site of Old San Vicente --Rose Linebaugh

Note: It sounds like Rose Linebaugh got her information directly from a copy of the Payeras diary. She does not mention the 1811 incident when the Russian courier rode into San Vicente of the northern frontier nor the 1831 exile of Jose Antonio Carrillo to San Vicente of the frontier, both described by Bancroft previously cited. Payeras evidently does not mention a military outpost here or nearby. . . . . An Indian village called Amayelle fits the site if the map of the area in A. L. Kroebers's Handbook of the Calif. Indians, p. 274, is compared to other maps. Amayelle is on the south side of San Antonio Creek about half way between Petaluma Creek and the entrance to Tomales Bay. The only puzzling thing is that it was six leagues from San Antonio Creek to San Vicente. Had they gone directly west along the creek it would only have half that distance, perhaps the creek area was to overgrown so it sounds like they went up to the future site of Petaluma where I think an outpost adobe once existed in the Petaluma valley. The large mortor at the Wetmore place is gone and its fate unknown as far as I know. Wetmore Lane leads off Chileno Valley Road to the San Vicente-Amayelle area where several homes are as well as the Wetmore house no longer occupied by that family. The former Shirley Joseph mentioned the Indian Rocks here which rise from the ground. In the Two Rock area outcroppings exist and in Verde Canyon on the way to Marshall.

Other events on which I will include more detail:

1824 - Mission San Rafael attacked by Indians who may have been tracked to the Laguna de San Antonio by pursuers.

1830 - Padre Amoros of Mission San Rafael discovers Russians at Santiago de las Dos Piedras - Two Rock Valley.

1834 - The Hijar - Padres colony from Mexico may have been sent to Laguna de San Antonio to be out of the way of Indians.

1837 - Don Bartolome Francisco Bojorques gets permission to settle at the Laguna de San Antonio from M. G. Vallejo, commander of the northern frontier.

1846 - Bear Flaggers come to Rancho Laguna de San Antonio looking for Juan Padilla's men after the killing of Cowie and Fowler.

d. 1849-50 - Joaquin Murrietta at Rancho Laguna de San Antonio.

1850's - influx of American settlers who buy land from the Bojorques and then each other.

H.H. Bancroft, Vol. I[I], p 597, footnote gives the Indian name of Laguna de San Antonio. Mission lands from the rancheria of Annamus, called San Pedro Alcantara, in the Corte de Madera, and the Rinconada del Tiburon. The grain land lands de temporal begin in the canada of Arangues or San Pedro Regalado. Live stock feeds northward to the rancheria of Olompali, of Santisimo Rosario the chief being a Christian and farmer. Cattle graze in the canadas of Las Gallinas, Arroyo de San Jose, Novato Colomache, Echatamal, and Olompali; the horses go farther to Temochoe, or San Anton the stream dry in summer, rising in the Laguna of Ocolom, or San Antonio, the lands of which Join those of Novato, Colomache, and Echacamale, 'going round the hill.' Laguna of Ocolom seems to belong to the mission, but the natives are warlike.

This was in reference to Mission San Rafael in 1824 and in that year the Missio was attacked by hostile Indians. The following is from Pen Pictures of the Garden o The World. An Illustrated History of Sonoma Co. I will give the gist geginning on p 703. The article is about Edward T, Bale (Jr.) whose father's mill is a State Park Landmark in Napa Co. and his wife Francisca Juarez. She tells that her father Cayetano Juarez (one of whose adobes is a restuarant in Napa) enlisted in the military i 1827. That in Feb. 1849 (?) he was told by an Indian that citizens and soldiers at Misn. San Rafael had been driven out by 200 Indians. With five picked men he went from Sonoma to San Rafael and "started in pursuit of the hostile Indians. He overto them at the Laguna, southwest of the present site of Petaluma," There was a skirmish and the Indians retreated and Juarez caught up with them at the rancheria of Wahluni near the site of Sebastapol and defeated them. He released 200 prisoners, civilized Indians. Juarez was wounded in the chest, an arrow having penetrated his leather jac et. He sent a courier to the S.F. Presidio and forty soldiers were sent and in a bat le were defeated by the Indians at the site of Healdsburg. Juarez it says, was disch arged from the military in 1836.

Bancroft, Calif. Vol. II, p. 598, while writing of Chief Marin and his aide Quintin, mentions this raid on Misn. San Rafael and that Corporal of the guard Rafael Garcia sent his wife and children with padre Amoros to S.F. on a bolsa raft. The 1880 Marin Co. Hist. p. 109, say Garcia with 3 or 4 soldiers repulsed the Indians after t raft was sent to S.F. Early Marin by Jack Mason, 1971, 76, p. 7,8, says the raid wa caused by a riotous fellow who had killed an Indian and one account has Padre Amoro holding off the Indians himself and sending for soldiers only after failing. Broken Shore: The Marin Peninsula by Arthur Quinn, 1981, p. 68, says accounts of the attack are garbled and does not mention Garcia stating that the neophyte Indians formed a human shield around Padre Amoros and got him to the raft safely. None of these accounts mention a pursuit of the hostiles to a lake s.w. of Petaluma, the only lakes thereabouts would be Laguna de San Antonio or Ocolom and the Laguna lake to the west in Chileno Valley, if they had any part in this episode.

The next incident concerning Laguna de San Antonio is mentioned in Frontier Settlement in Mexican California - The Hijar-Padres Colony, and its origins, 1769-1835, by C. Alan Hutchinson, 1969. p. 262. In 1834 two ships from Mexico brought colonist to California and they were to found a town where the Creek comes out of the hills north of Santa Rosa on the plain. M.G. Vallejo had the previous year tried to settl colonists here. So as not to disturb the Indians at Santa Rosa or Petaluma the settlers were to be temporarily sent to the Lagoon of San Antonio. This was Governor Figueroa in struction to M.G. Vallejo who was in charge of the northern frontier. The Laguna de San Antonio is a little west in Chileno Valley from the site of San Vicent already discussed. Whether they were actually sent there I do not know. The settlement at Mark West Creek where it comes out of the hills to the east was a failure an the colonists who were not really frontier types scattered to the coastal settlemen s. The town was to be called Santa Ana y Farias after the president and vice President of Mexico. Santa Ana was the same who conquered the Alamo in Texas. Two of th colonists at least did stay in the area, Leon Victor Prudon who married Teodocia Bojorques and Juan Padilla whose land grants Bolsa de Tomales and Roblar de la Miseria bordered Rancho Laguna de San Antonio on the west and north.

In 1837 Bartolome Francisco Bojorques got Vallejo's permission to settle at Laguna de San Antonio. I include what J.N. Bowman wrote of the rancho in The Spanish and Mexican Adobe and other Buildins in the Nine S.F. Bay Counties. MS. Calif. Room, State Library. Jack Mason in Early Marin, p. 160 think Bartolome Francisco Bojorque may have been with Arguello and Fr. Payeras in 1822 through the region.

from - The Spanish & Mexican Adobe and other Bldgs. in the 9 S.F. Bay Counties by J.N. Bowman, 1940. ms. Vol. I

V. LAGUNA DE SAN ANTONIO
1839 to early 1840's.

This rancho lies in the north central part of the county at the head of San Antonio Creek; almost half of the grant as patented is in Sonoma County and Chileno Valley with the bed of the lake lies in the easterly edge of the rancho. On May 6, 1839, Governor Alvarado, granted Bartolome Bojorques permission to occupy the six square leagues, or about 26,632 acres, petitioned; it was granted in fee by governor Pio Pico on November 25, 1845. It was patented to him on November 21, 1871 for 24,903.42 acres.

Bartolome Bojorques, born about 1777 in Santa Clara, had been in the military service since 1794; in 1815 he was mayordomo of Rancho Pulgas and in 1819 he was in the Presidio; in 1822 he was invalided, for the next three years he was in San Jose and also in San Francisco; in 1837 he petitioned for this rancho. He suceeded Nicolas Higuera as Mayordomo of Pulgas for Luis Arguello. In 1861 he testified in the Buriburi Land case that he was sixty-six years of age "More or less." (1)

His wife was Nicolasa Linares.

6. (1). The Bartolome Bojorques adobe Dwelling Site. Probably 1839.

It stood about 100 feet east of a lane and about 150 north of the Chileno Valley Highway, almost opposite the present barn of A. Ghislette. Probable error, 100 foot radius.

It is spotted and labeled "B. Bojorquez on the diseno of 1844. The site given above was pointed out by Antonio Talamantes of Chileno Valley, a descendant of Bartolome Bojorques; the house had disappeared before his birth but he recalls the site as pointed out by older members of the family. The date of construction is estimate from the petition to the Governor dated May 21, 1844, which stated the land was granted him, provisionally in 1837 and that since then he had built several houses. It is very probable that his first house was a palizada and that one of the small symbols on the diseno indicates the house, if so it stood north of the adobe and nearer the laguna.

No direct evidence has been found as to the date of construction. From the facts given it is inferred to have been erected probably about 1839.

In 1844 the Laguna de San Antonio is shown as a narrow lake about 1.3 miles long with its outlet into San Antonio Creek about due north of the Laguna School; the the lake ran northwestward, north of the little hill and then turned westward to the head of the broad valley. From this western point of the lake the county line runs a straight course northwesterly toward Valley Ford. The lake has now wholly disappeared; westward beyond the pass there is at present a very small lake but it drains westward into the north of Walker Creek.

7. (2). The Juan Jose Bojorques adobe (?) Dwelling Site. Early '40's.

It stood in Sonoma County across the Laguna from the homestead between the hill and the site in the present fields. Probably error, 500 foot radius.

It is marked "Juan Bojorques" on the diseno of 1844. It was one of the several houses probably built before 1844 according to the petition to the Governor of that year. A house by a son would very probably be erected after the homestead; the early '40's appears as the probable date of construction. Nothing further had been learned of it. (3).

8. (3). The A. Bojorques adobe Dwelling Site. About 1840.

It stood about 60 feet below and west of the present residence of W. B. Fairbanks. The site is .25 of a mile by lane south of the highway at a point 1.5 miles east of the Chileno School.

It is marked "A. Bojorques" on the diseno of 1844. Fairbanks razed the house in 1938 and the foundation site is still visible in the garden below his house. Tal-

amantes also recalls the house. The adobe part of the house when razed formed a rear L to the frame building: the adobe was about 21 x 12 feet, one story, built of adobe brick. The bricks were about 22 x 12 x 4 inches thick.

The date of construction has not been found, from the facts already presented the probable date appears to be about 1840. (4)

(4). Other Bojorques Dwellings.)

The petition of 1844 stated that "several" houses had been built since the occupation in 1837; it is not known whether the houses listed above account for the several. After 1844 and into the American period other houses were erected but they are beyond the adobe building period. North and across the road from the A. Bojorques adobe was the house of a member of the family, and a frame of Pedro Bojorques stood on the north bank of the creek northeast of the Laguna School. These sites were pointed out by Talamantes.

NOTES

(1). Land cases 62 ND; 101 ND; 5 ND. Bancroft Calif.

(2). Land case 62 ND. U.S. Circuit Court Case 1953, U.S. v. Valentine.

(3). Ibid. Juan Jose Bojorques married Loreto daughter of Jose Berreyesa who was wantonly killed by Fremont.

(4). Ibid.

Commentary by Roger Rehm. Age of Bartolome Francisco Bojorques, see p. 1.

J.N. Bowman writing in the 1930's did not have the geonology available that has been published in recent years by Mrs. Mutnick and Mrs. Marie Northrup and he often relied on H.H. Bancroft's Pioneer Register & Index. Bartolome Francisco Bojorques was mayordomo for Luis Arguello on Las Pulgas then a rancho nacional before it became a private land grant indicates the possibility that he could have been on the 1822 visit through Marin and Sonoma with Luis Arguello who on Nov. 22, 1822 was to become the first Governor of Mexican era Calif. It is possible he had been stationed at San Vicente on the northern Frontier when it was occupied as a military outpost. It is possible he did not see the area until he came to Sonoma in 1836. He may have been among the colonists of 1833 that M.G. Vallejo tried to settle at the Mark West site called by the Indians Potquiyomi, where the creek came out of the hills onto the plain of Santa Rosa. The Hijar-Padres colony of 1834 was to settle at the Potquiyomi site but did not stay not being frontier people and they scattered through the Calif coastal settlements. Vallejo had also established a temporary presidio a little to the west where J.B.R. Cooper was to build his mill on a creek. In the 1830's Willis Mark West settle at the Potquiyomi site and was grantee of Rancho San Miguel. Vallejo had also been instructed to try and put the Hijar-Padres colony at the Laguna de San Antonio to be out of the way of Indians. This is unusual for H.H. Bancroft says that the Indians here were warlike when writing of Mission San Rafael to the south, in 1834. Vallejo had tried to put colonists at Petaluma at the site of the adobe he started to build in 1836 where an Indian village was on the other side of the creek from the adobe. I cannot recall where I got this last statement at present.

Sources: Hist. of Calif. H.H. Bancroft, Vol. III, p. 257. Frontier Settlement in Mexican Calif. 1967, by C. Alan Hutchinson. Out of The River Mist, 1973, by C. Raymond Clar. Vallejo-Defender of the Northern Frontier. Dissertation, U. of Cal. by L. Lathrop, 1976. The Sonoma Mission. by Robt. S. Smilie, 1975.

William Benitz diseno shows 4 structures in 1844. The palizada of c. 1837, the homestead adobe of c. 1839, the Angel Bojorques adobe of c. 1840 and the Juan Bojorques adobe of the early 1840's. How many members of the family occupied these is unknown. The size of Bartolome Bojorques's adobe and that of Juan Bojorques is unknown. The 1839 adobe burned after 1851, maybe the next year of 1852 and as part of a land sale to a new house was built for the grantee, Bartolome Francisco Bojorques. This is in Gates vs. Salmon where the testimony can be confusing. On Aug. 4, 1870, Joseph Wallace testified the grantee lived about 1½ miles from the northern line of the grant and a few yards from the east line, on the east line. This seems too far south.

May 23, 1861, Angel Bojorques-a little less than a mile from the original site and Antonio Talamantes (a son in law)- L.W. Walker built a small house or shed on the adobe site. May 24, 1861, L.W. Walker-he bought the deed from P. B. Hewlett wh had bought it from the grantee and his children and Harry Howe, another son in law like Talamantes,-a deed to Tustin who paid off the Shorb mortgage (in 1852) and a f rther consideration was building of a house for the old man (the grantee, Bartolome F. Bojorques) On May 25, 1861, Jas. Butler-a man named Burdick lived five yards or less from the small house on the adobe site. Aug. 2, 1870, James Singley-He (Bart olome Bojorques) resided a very little south-east of it; (original adobe site) 50 o 100 yards. L. W. Walker who built on the Bartolome Bojorques adobe site is on the 1873 Marin Co. map and the 1877 Sonoma Co. Atlas where Rancho Laguna de San Antonio is shown, but he is on the south side of the road whereas today the adobe site is on the north side as pointed out by Anastacio Talamantes (a son of Faustino Antonio Ta amantes above) whom Bowman calls Antonio. Maybe there was a temporary place where t grantee lived between the time the adobe burned and the new house was built. May 2 1861, Judge Ai Barney-Bartolome Bojorques lived $\frac{1}{4}$ mile below the s.e. corner of the Laguna (de San Antonio); it was near the house built by Tustin. Bartolome Francisc Bojorques and his wife, Maria Nicolasa Linares, both died in this house that replac the adobe. Perhaps L. W. Walker took it over and this could account for his house being on the south of Chileno Valley Road in 1873 and 1877.

The Juan Jose Bojorques adobe. Should be Juan Bojorques since Juan Jose Bojorques (II) was a first cousin, see Bojorques Part I. His adobe site maybe a rocky ledge on the Burns property overlooking the Laguna de San Antonio from Springhill Road on the north side of Chileno Valley. The late Al Burns mentioned a Bojorques who came there years ago before I started on this in 1967. In the late 1840's Juan Bojorques moved to Santa Clara but came to visit the rancho once renting his house in Santa Cl ara as he had cattle to take care of on the rancho.

Angel Bojorques was Angel Maria de la Luz Bojorques, another son of the grantee Don Bartolome Francisco Bojorques. If the adobe was only 12 x 12 feet not many could have lived in it. The late Ralph Sawin whose mother Ballbina Bojorques was a daught er of Jose Sebastian de Aparacio Bojorques who was a son of Angel Bojorques, said he had been told of a two story adobe and that members of the family rode on horseback around a lake shooting water fowl. This site is on a Dolcini ranch and across Chile- no Valley Road is a building with a celler of stone with adobe mortor. Near the sit of the An gel Bojorques adobe razed in 1938 is a small disused winery (early 1970's) with an tamped earth adobe celler, evidently in front of the adobe site. The former former Shirley Joseph of Chileno Valley remembered this adobe. How many adobes might have been built between the time the diseno was drawn and the Americans came is un- known. There is a tradition of an adobe way station around Purvine and Springhill Roads. Land titles here go back to Jose Geraldo Bojorques. Maria Marcella Bojorq- ues and 1st. husb. Jose de Jesus Lopez lived in Two Rock Valley. They had an old corral of brush with a stream on one side built in the fall of 1851 and they also ha a new corral. Juana Maria Bojorques may have lived somewhere in the potrero, a flat area between San Antonio Mtn. and Chileno Valley Road. Maria Teodocia Bojorques liv ed in Sonoma and later in Santa Rosa when she re-married to Julio Maria Carrillo. Al this is mentioned in Gates vs. Salmon or deduced from testimony.

In 1968 or so, Father Grassi of Our Lady of the Assumption said that an adobe church had been built in Spanish Town in 1847 and was deserted in the 1880's and souvineers were taken from it. The tongue inside the Russian bell at the Tomales church was ta- ken from this adobe church bell. An old bell was taken from the belfry of the Laguna School for scrap during World War II. The Russian bell was from Bodega the site of Fort Kuskov. Mrs. Elizabeth Bihn who grew up in Chileno Valley said that plowing had uncovered human bones next to San Antonio Creek years before. This would be the Span ish Town site and they were probably victims of the smallpox epidemic of 1868 who we- re not allowed to be buried in Petaluma, though some were at first.

Indian artifacts have been found in the dry bed of Laguna de San Antonio, the Miwok Ocolom with Indian burials. Arrowheads and grinding mortors have also been found at other sites like the Light, Gale, Dasserotti house, the potrero at San Antonio Mtn. and after rainfall in the creeks.

There are two lake beds in Chileno Valley. The Laguna de San Antonio - Ocolom, with La Lomita Alta (high little hill) at its southernedge. This partially wooded hill was identified by Henry Howe a descendant of the 1st. husband of the grantee's youngest daughter. The lake to the west, much closer to Chileno Valley Road and wh ch I was told, it could overflow in rainy winters, is the Laguna Lake, but because was less frequently drained, it is on the 1873 Map and the 1877 Sonoma Co. Atlas th Laguna de San Antonio but on the William Benitz diseno of 1844 it is definately the more distant east lake that is the Laguna de San Antonio.

Chileno Valley. Adrian Godoy testified in Gates vs. Salmon on July 30, 1861, that has settled there in 1852. He later returned to Chili. Evidently it was Godoy who organized Chilians who lived in the San Rafael area to camp out and pick hops at th flat area leading up to the Angel Bojorques adobe site. Land belonging to Adrian G doy and others is shown on the 1873 Marin Co. map at the west boundary of the grant The Chileans had probably come to Calif. in the Gold Rush. E. G. Gudde in Calif. P ace Names lists Chileno Creek, Merced Co. Chileno Canyon, L.A. Co. and Chili Gulch, Calaveras co. as well as Chileno Valley.

Ocolome, Laguna de San Antonio. H.H . Bancroft, Hist. of Cal. Vol. II, p. 577, f.n "Cattle graze in the Canadas of Las Gallinas, Arroyo de San Jose, Novato, Colomoche Echatamal, (as in Tomales Bay and Mt. Tamalpais) and Olompali; the horses go farth eer to Olemochoe or San Antonio, the stream dry in summer, rising in the Laguna of Ocolom, or San Antonio, the lands of which seem to belong to the mission (San Rafa ael) but the Indians are warlike."

Numbered Sites on the map on p. 58.

1. Amayelle or San Vicente. The site is shown as Amayelle in A. L. Kroeber's Handb ook of Calif. Indians, as Amayelle. Despite the small scale of Kroeber's map it seems to fit the site in Rose Linebaugh's article as San Vicente an Indian Villag Also the site of San Vicente on the Northern Frontier. Also a Spanish outpost i 1811. See her article and my comments. The site is reached by Wetmore Lane fro Chileno Valley Road. Mrs. Bihn mentioned Indian caves, a half cave and Indian R cks.

Olemochoe

No number as it seems to be a general area perhaps including Amayelle and Olompali. It is not mentioned by Kroeber. In Calif. Place Names by E. G. Gudde, 1965, under " Olema...The Coast Miwok village of Olemaloke "Coyote Valley," mentioned by Barrett (Pomo, p. 307), was obviously not at the site of the present day Olema but was some ten miles north, in what is now called Chileno Valley. What seems to be a tribal n me, Olemoloque, is mentioned on Oct. 14, 1805. (Arch., Ms., I 89), and the same roo is found in "Olemochoe" in the territory of the Laguna de San Antonio grant at the Sonoma Co. line. The occurance of the stem of the name in different regions confir ms Kroeber's assumption that it had become a "tribal" name (Olamentke) for the Indians in northern Marin County. According to Barret, the words Ole is Coast Miwok for "coyote" (Pomo, p. 307)... East of Chileno Valley is San Antonio Valley, they are really part of the same valley caused by San Antonio Creek going east to Petalum Creek from the Laguna de San Antonio and Chileno or North Fork Walker Creek going west from the Laguna Lake. There is a gap between Chileno Valley Road and San Anton io Roads of about 2 and 2/3s miles so that it necessary to up to Petaluma or down t Hick's Valley to get from one to the other on public roads. Private dirt roads do connect them. The San Antonio Valley has been the site of considerable archaeolog- ical excavation. See: The San Antonio Valley, Marin and Sonoma Counties by Tom Kin Ward Upson & Ralph Miller. Dec. 1966, N. Calif. Archaeological Society and Repor on the Excavation of Marin 374 by the Novato Senior High Arch. Club, June 1967. Ole mochoe may have included Olompali between Petaluma and Novato by H. 101.

2. Melaya. On Kroeber's map listed above shows this Miwok site as being a little t the n.e. of Amayelle and San Antonio Creek. The Petaluma Argus-Courier Centenn- ial edition of Aug. 18, 1955 in an article titled Indians Left Mark Until 1955 it is placed on the Sonoma side of Chileno Valley.

3. Ocolom-Laguna de San Antonio, already described.

4. Laguna Lake, "

5. Spanish Town. The site is shown on the 1873 Marin Co. Map and on a map of the State of Calif. c. 1870 in the State Archives, Sacramento. Faint lettering shows on the west side of the Chileno Valley Crossroads and darker large lettering to t right. See Rose Linebaugh article.and map section.

6. (San) Antonio Mtn. South side of Chileno Valley Road. Part of the Petaluma - Marshall Road skirts it on the south.

7. Santiago de las Dos Piedras. Two Rock Valley gets its name from the Two Rocks whe Ranchos Laguna de San Antonio, Bolsa de Tomales, Blucher and Roblar de la Miseria would come together here. Rose Linebaugh in Spanish Cavaliers Owned Two Rock, Lon Long Ago, for the Argus - Courier Centennial edition of Aug. 18, 1955, places a Spanish outpost here. Padre Amoros of Misn. San Rafael discovered Russians settl ing here in 1830 when a tour north of the Mission, they left. This incident is i Honoria Tuomey's Sonoma Co. History of 1926, Vol. I, p. 400 and also in Francisca Missioaries in Calif. 1769-1848, p. 12, by Maynard Geiger, O.F.M. Both call the place Santiago. The diseno of 1844 by William Benitz, shows the trail from Misn. San Rafael to Bodega going between the Rocks. Maria Marcella Bojorques de Lopez lived in Two Rock Valley and in the fall of 1851 built a corral of brush with a stream on one side, called the old corral. There was also a new corral. Source: Gates vs. Salmon. The 1880 History of Marin Co. p. 197-9 tells that when California was to be divided into Counties, Apr. 25, 1851, the Marin-Sonoma line was t go between the Dos Piedras. This was also true when on May 15, 1854 and again on April 25, 1860 adjustments were made out in S.F. Bay. The Sonoma Co. Hist. of 18 tells that in 1860 there was movement to move the line east so the Two Rock Valle and other place would be in Marin Co. with Petaluma as the County seat, but this failed. On the 1873 Marin Co. map the county line seems to be at its present location two miles west of the Dos Piedras.

8. Area asssciated with Joaquin Murrieta. I think the former Shirley Joseph of Chileno Valley told me of this. in the Article Chileno Valley Boasts an Exciting Bac ground by Ed Mannion in the Centennial Edition mentioned above, quotes Pat Talamantes as saying his mother said Joaquin Murieta was about age nineteen and quite a ladies man. The late Albert Forsell of S.F. whose wife was a daughter of Maria Juana Salazar, said her father Jose Salazar took food and supplies to Murieta's men at the pinnacles in San Benito Co. The caves there were a hideout I have rea Pat Talamantes mother Maria Angelina de la Luz Bojorques de Talamantes also remembered the bandit Tiburcio Vasquez. Ed. Mannion showed me the following articles that he and his wife had copied in Petaluma from old newspaper files. July 5, 186 BURGLARY -- The store of Sargent & Co. Under Ross" Photography Gallery, Main St. was enteredlast night by burglars and considerable clothing and valuable guns taken. The burglars affected an entrance by getting under the house and cutting through the floor. No clue has yet been got to the thieves.
Dec. 20, 1866. CAUGHT AT LAST-On last Monday evening Marshall Knowles arrested T burcio (sic) Vasquez for burglary in breaking into the store of Messrs. Sargent a Barnes, on Main Street, last Fourth of July. It appears that Horace Dade, who wa an accomplice of Vasquez, at the time, has since been convicted of highway robber in Napa, and is now serving his time in the penitentiary. Marshall Knowles has been aware of all the particulars of this burglary for some time, but for pruden reasons witheld an arrest on account of the wholesale cattle stealing which is being carried on in this county, and made his party assist him in ferreting out t eir whole operations. When arrested Vasquez had a skeleton key for unlocking pad locks and gate fastenings. The strategy which our effecient Marshall has resorte to in order to discover these criminals, and obtain information of other robberies, is not proper to be made public at present. We will advise all persons who have been losing horses or cattle to communicate with him at once, as he has undoubtedly succeeded in exposing, if not effectually breaking up, the most persistent gang of robbers that ever infested this county. Marshall Knowles delivered Mr. Ward his cow which was stolen two weeks ago; also the rifle
stolen in the robbery of Sargent and Barnes Store. These mature and deliberate operations of the City Marshall will send these criminals to the State Prison, an cannot by too highly appreciated by our citizens as well as the residents of the county. Had he a proper support from the city, by an effecient police force, we would defy any burglar to attempt a robbery at this place.

Along with other material from Marin and Sonoma Counties is the Great Register (of voters) for Marin Co. in the State Archives, Sacramento. On July 19, 1866:
153 Peter Bojorques 45, Cal. Laborer, San Antonio
154 Rafael Bojorques, 29, """ (They had evidently gone in together.)
155 Tiburcio Basques 31, " farmer "
159 Sebastian Bojorques 38, " farmer. "
1336 Salazar, Joseph 48, " laborer "

Charmaine Burdell has sent some data on two other incidents that show that all was not always peacefull in Chileno Valley.

In the burglary case-Sonoma Co. Court, Old Series #105, foldier 517 (in the State Archives, Sacramento) Jan. 14, 1867. Bail for Tiburcio Vasques was $500. and the sentance was two years. It was a double barrell shotgun that was stolen. This was one of several times that Vasques was sent to San Quintin. He was a descendant of Jose Ramon Bojorques. See ancestry chart, next page.

Charmaine Burdell has sent other data that all was not always peaceful in Chileno Valley. Sonoma Co. Journal, Sep. 30, 1859. The son of the wife of Juan Pulga has lost thirty dollars gambling with a man named Biers. He could not pay the money lost at cards and left a horse. Juan Pulga came to get the horse and was told by Biers that he could not have the horse unless he paid the thirty dollars. Biers took hold of the lariat attached to the horse and Pulga shot Biers killing him. Pulga evidently turned himself in and was in jail at San Rafael.

Petaluma Journal & Argus. June 2, 1864. A difficulty between Juan Silvas, a spaniard and Juan Bejamaro, an Italian(from Peru in the 1860 census) Silvas was shot and killed and the assailant fled.

9. Portezuela de San Antonio is mentioned in Land Case 61 ND, was part of the trail going over San Antonio Mtn. Part of the route from Mission San Rafael to Bodega. It does not follow the modern road to Marshall but went further east to the south

10. Jose Williams, the site is enclosed by slopes of San Antonio Mtn. A trail goes east from the house built by Elisha Light c. 1868, also called the Casserotti house after later occupants. Light's bio. is in the 1880 Marin Co. History.

11. The flat area from the Chileno Valley Crossroads to the slopes of San Antonio M

Springhill Road. Maybe named after springs, it is crossed by three creeks.

Pepper, Purvine and Seavy Roads are named after early American settlers.

Walker Creek, Road and a former school are named after Lewis Walker evidently, he had purchased land in Aug. 1857 at Chileno Valley from P. B. Hewlett who had bought it from the Bojorques.

Salmon Creek, Francis Salmon of Gates vs. Salmon. Early settler.

Guglielmetti Road, G. Guglielmetti has 387 acres on p. 63 of the 1898 Sonoma Co. Atl

Wiggins Hill, Not on the atlas's of 1878 and 1898. Family named Wiegand? 1898 Atlas

Schools. Laguna School recently had a room added to the west side. Built in 1906
Iowa Hill School, gone but it is on the 1948 Sonoma Co. Visitor's map. An old photo shows it to be identical to the Laguna School but clearly painted Iowa Hill School.
Chileno School, on the 1948 map. The site is on the north side of Chileno Valley Road near the Bolsa de Tomales grant line. The site is marked by trees and some rocks.
Walker School, just inside the north grant line off Walker Road, now a private home.
Two Rock School, The one room school has been restored and added to as a private home.

A small buildingg near Chileno Valley Road, on the north side near qa wooded hill was a former school and on the other side of the road in the potrero an outbuilding was rebuilt from a former school. Both evidently predate the Laguna School.

Stemple Creek, goes across Two Rock Valley and reaches the ocean as the Estero de San Antonio. It is probably the Tamalanika Creek H. M. Stemple was in Sonoma Co. by 1863

Ancestor Chart

Name of Compiler ROGER REHM

Address 1149 FERNWOOD ST.

City, State W. SACRAMENTO.

Date

Person No. 1 on this chart is the same person as No. ____ on chart No. ____.

b. Date of Birth
p.b. Place of Birth
m. Date of Marriage
d. Date of Death
p.d. Place of Death

1 **Tiburcio Vasques**
b. c. 1835 (11. AUG.) BAP. NOT FOUND)
p.b. MONTEREY, CALIF.
m. SINGLE
d. 14 MAR. 1875
p.d. SAN JOSE, CALIF.

2 **José Hermenegildo Vaquez** (Father of No. 1)
b. 1784 BAP. MISSION SANTA CLARA CALIF.
p.b.
m. 26 FEB. 1821 MISSION SAN CARLOS del BORROMEO
d. 1856 BUR. MISSION SANTA CLARA, CALIF.
p.d

3 **María Guadalupe Cantua** (Mother of No. 1)
b. 1804 BAP. MISSION SANTA CLARA, CALIF.
p.b.
d.
p.d.

4 **José Tiburcio Vasques** (Father of No. 2) ANZA EXP.
b. 15 AUG. 1755
p.b. ANUALCO, JALISCO, MEX.
m. 26 OCT. 1775, SAN XAVIER del BAC, SONORA, MEXICO
d. 28 OCT. 1827
p.d SAN JOSE', CALIF.

5 **María Ana Antonia Bojorquez** (Mother of No. 2) ANZA EXP.
b. c. 1761
p.b. LA VILLA de SINALOA, SIN. MEXICO
d. MAY 1827 SAN JOSE'?
p.d. BUR. 7 MAY MISN. STA. CLARA, CALIF.

6 **Juan Bautista de la Cantua** (Father of No. 3)
b. 6 SEP. 1784 BAP. 7TH. ON MISN. SAN CARLOS
p.b. MONTEREY, CALIF.
m. 17 MAR. 1805, PRESIDIO CHAPEL, MONTEREY, CAL.
d. BUR. 14 OCT. 1822 MISN. SAN CARLOS.
p.d

7 **María Anastacia Ruiz Jacinta Hernandez** (Mother of No. 3)
b.
p.b. Puebla Mascota, Guadalajara, Mex.
d.
p.d.

8 **Juan Antonio Athanasio Vasquez** (Father of No. 4) ANZA EXP.
b. 1735
p.b. AHUALCO, SONORA, MEXICO
m.
d.
p.d

9 **María Gertrudis Castello** (Mother of No. 4) ANZA EXP.
b.
p.b.
d.
p.d

10 **José Ramon Bojorquez** (Father of No. 5) ANZA EXP.
b. 1737
p.b. LA VILLA de SINALOA, MEXICO.
m.
d. 1822, 8 MAY, ABOUT 4 A.M.
p.d MISSION SAN JOSE', CALIF.

11 **María Francisca Romero** (Mother of No. 5) ANZA EXP.
b. c. 1738
p.b. VILLA de SINALOA, SINALOA. MEX.
d. 1818 12 NOV. BUR. 13TH. MISSION SANTA CLARA CALIF.
p.d. SAN JOSE'

12 **Ygnacio Cantua** (Father of No. 6)
b. c. 1740 NAVAJOA, RIO MAYO, SONORA. MEX.
p.b.
m. 1773 IN MEXICO
d.
p.d BUR. 22 DEC. 1822, MISN. SAN CARLOS. CAL.

13 **María Gertrudis Castillo** (Mother of No. 6)
b. c. 1760 REAL DE SANTA ANA, DIVA CAL. MEX.
p.b.
d.
p.d.

14 **Juan María Ana Hernandez Ruiz** (Father of No. 7)
b.
p.b.
m. (NO DATA ON THIS FAMILY)
d.
p.d

15 **Jaciuta Davalos** (Mother of No. 7)
b.
p.b.
d.

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(Spouse of No. 1)
b. d.
p.b. p.d.

(Mother of No. 11, Cont. on chart No. ____)
(Father of No. 12, Cont. on chart No. ____)
(Mother of No. 12, Cont. on chart No. ____)
(Father of No. 13, Cont. on chart No. ____)
(Mother of No. 13, Cont. on chart No. ____)
(Father of No. 14, Cont. on chart No. ____)
(Mother of No. 14, Cont. on chart No. ____)
(Father of No. 15, Cont. on chart No. ____)
(Mother of No. 15, Cont. on chart No. ____)

In an interview with Geo rge Beers, Tiburcio Vasc ues birthdate as Aug. 11 1835 and his birthplace Monterey. None of the r corded baptisms fit this particular Tiburcio Vasc ques. I deduced who his pts. might be from the n mes of three of his brot ers and a sister in The Life and Career of Tibur o Vasquez The Calif. Sta Robber by Eugene T. Sawy pub. in 1875. The three listed were: Francisco, Antonio Maria and Antoni Jose Heremegildo Vasques and his wife Maria Guada upe Cantua had children named Francisco Paul Mig uel de la Soledad, Anton Maria and Maria Antonia Anacleta, all older than Tiburcio Vasques. He wa hung on Mar 19, 1875 at San Jose.

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of which H.H. Bancroft, Vol. II. p. 637 fn. "A piece of ground had been cultivated on Tamalanika Creek, 3 leagues from Bodega, and 5 leagues from Ross. but had been abandoned on the remonstrance of the comandante at San Francisco" This is probably the same time and place as the discovery of Russians at Santiago-Two Rock by Fr. Amoros in 1830. To the west the creek widens out a was called Burbank Lake. George Wilton Burbank, evidently an older brother of the famous Luther Burbank of Santa Rosa, built a large house above the creek. This widening of the creek is evidehtly where Tamil Indians lived and which gave the name B lsa de Tomales to the rancho of Juan Padilla. G. W. Burbank's portrait and bio. ar in the 1880 Marin Co. History.

In Jan. 1846 Fremont led explorers into California and the Bear Flag rebellion at Sonoma occurred. What led a part of the Bear Flaggers to the Laguna de San Antonio was the killing of Cowie and Fowler. They had been sent by Wm. B. Ide to get a k of gunpowdder at the rancho of Henry Delano Fitch. Cyrus Alexander was the mayordom there and Moses Carson a brother of Kit Carson had the powder. They ignored the advice of Ide and Henry L. Ford and getting on the main road or trail, were captured by Juan Padilla and Ramon Carrillo's band of defensores. Carrillo was later shot i the back in Southern Calif. it is thought by vigalantes and his sister was the wife of Fitch. The defensores were to protect local women from the Bear Flaggers. I was told by the late Mrs. L.W. Carillo that Cowie and Fowler had raped Ramon Carrillo's mother, the grantee of Rancho Cabeza de Santa Rosa. She had fled into the wilds an caught cold which eventually led to her death. Twenty to thirty men may have been with Carrillo and Padilla. Ramon Carrillo's brother, Julio Maria was to become the second husband of Maria Teodocia Bojorques.. Juan Padilla had come to California with her first husband, Victor Prudon in 1834 with the Hijar-Pares colony. Padilla was grantee of Rancho Bolsa de Tomales on the west side of Laguna de San Antonio an Roblar de la Miseria on its north side. Bancroft says the group was wild and irresponsible and included desperate characters. However they had not started any hosti ities against the non-Californio grantees of ranchos in the Marin-Sonoma region man of whom were foreigners like Fitch. After their capture Fowler and Cowie were tied to trees and while their captors were discussing what to do with them Bernadino (th ee finger) Jack Garcia is supposed to have killed and mutilated them. The facts ar obscure as to whether or not he acted alone. Garcia may be the same who was to mar Hilaria Sanchez, the widow of Juan Reed. The main timbers of his mill stand with a newer roof in Mill Valley, Marin Co. Two others American prisoners had been taken and the Bear Flaggers had taken horses from one of Padilla's ranchos. Franklyn F. Grigsby found the bodies of Cowie and Fowler at Chanate where a hospital now stand in Santa Rosa. The names of the defensores given are often garbled, Ignacio Stigge may have been Ignacio Higuera, the 2nd husband of Juana Maria Bojorques. An Inague Carrillo I do not attempt to identify. Wm. L. Todd was one of the Americans captur ed by the defensores, he was a newphew of Abraham Lincoln's wife. A Sgt. Gibson with four men went from Sonoma to Sotoyome to get the gun powder.

Lt. Ford left Sonoma June 23d. to rescue American prisoners. Evidently they first went to Padilla's Roblar rancho and then to the Bolsa de Tomales where they wrecked his small hut used by his employees. H.L. Fords letter to Sam Brannan says they found two boys and two or three Indians. Threats brought the information that Padilla and his men were at the Laguna de San Antonio. Fords men roasted some beef an took a boy as guide. At about 2 a.m. they laid down under trees about a mile from the Laguna de San Antonio. After a short nap at daylight they came to within a hal mile of the adobes. He took seven men and went to the south side of the village an a Sgt. Swift went to the north side. Padilla and the defensores had gone. Ford and his men took four prisoners and two others escaped. After breakfast For and his men went on to Olompali to find that Padilla and his defensores had been re-inforced by others led by Joaquin de la Torre. They were surprised at breakfast and attempted to charge the Americans on horseback. Manuel Cantua was killed and later buried at Olompali and Agaton Ruiz wounded. Whether others were wounded is uncertain. The Americans hid and fired from in back of trees. The Californians retreated to San Rafael where Wm. Anthony Richardson, the grantee of Sausalito let them use his boat to get away to S.F. Wm. Todd and an Englishman had escaped from Padilla and de la Torres men. This occured June 21, 1846 according to Ford.

Note: Inaguen Carrillo sounds a little like Joaquin Carrillo, a brother of Ramon ar Julio Carrillo. Joaquin Carrillo was grantee of Rancho Cabeza de Santa Rosa.

from a copy sent by the former Shirley Joseph

Bulletin No. 11, Jan. 1946 The Pastimer,, Marin Co. Hist. Society, San Rafael, Ca.

SPANISH TOWN

Rose Linebaugh of Two Rock sent us a letter of interesting letters on early hi: tory of northern Marin. In a letter she sent us some time ago, she said: "A few we- eks ago I met Tacho Talamantes. A tall and handsome old gentleman with all the cha: and dignity of the early Spanish Dons. With a fine disregard of modern activities and turmoil, he devoted his time to hunting and fishing on the beautifull hills whe: generations of his ancestors had roamed.

"He told me about old Spanish Town. He says it never was a town. It was just the scattered dwellings of Spaniards and Chileans around the "Indian Water Hole" Mr. J. A. Walker, who bought the Walker Mountain Ranch, laid out a town with streets al- ong Pua Creek but it was never settled.

"Mr. Talamantes" mother lived in the last house of Spanish Town which stood unt ill three or four years ago in a field in front of Hans Juhl's road-house. She car: ied her water from the old Indian Water Hole.

"Mr. Talamantes told me an interesting story about two now unknown and unsung Spanish priests who walked about Chileno Valley in very early times visiting and tea ching the people. How wonderfull it would be if we could find a record of the work of these Holy men."

On page 56 is a map of Chileno Valley drawn for Mrs. Linebaugh by Enos Valencia who was born in Spanish Town nearly 100 years ago.

Dear Mrs. Donnelly Two Rock, De

I'm very sorry to have delayed so much my reply to your letter. I had hoped to go back and visit the "Indian water hole" and Kitchen, but it is hard to do the thin one wishes to do these times.

Chileno Valley is one of the most interesting places in the world. I met an old Spaniard, Enos Valencia, who was born in "Old Spanish Town" 92 years ago. He made a a delightfully quaint map of Chileno Valley and the old Indian trail which ran arour the western hills of the valley and came to Tomales which he calls "Michel" on his map - a name I had not heard before. (She mentions Tacho Talamantes living in a lor ely glen and the last house of Spanish Town stood in a field across from the Hans Juhl place till 25 or 30 years ago and that she thought Enos Valencia had passed awa

The Marin Co. History of 1880, p. 313

The rancho Laguna de San Antonio was granted to Bartolome Bojorques, Nov. 25, 1845, by Pio Pico. It was a six-league grant and contained twenty-four thousand nine hund red and three and forty-two one-hundredths acres. It was confirmed to the grantor. The area of this once princely landed estate has dwindled down to only thirty acres. There are quite a number of the descendants of this family living on this tract, wh- ich is known locally as "Spanish Town."

Comments: Tacho Talamantes was Anastachio Talamantes whom J. N. Bowman called Antoni in his adobe ms. His mother was Maria Angelina de la Luz Bojorques, the youngest da ughter of thegrantee of the rancho and his wife. I cannot identify Enos Valencia but he may have come from the family of Candelario Valencia who was the grantee of rancho Acalanes in Contra Costa Co. and who later came to Marin Co. and his family lived in the San Rafael and Hamilton Field areas. A noted artist, Manuel Valencia, also came from this family that like the Bojorques came to found the Mission and Pr- esidio with Moraga 2nd. in command of the de Anza expedition of 1776. Manuel Valenc had a son who ran a musical store in Petaluma. His bio is in the History of Sonoma Co. Vol. II. p. 233, 1926, by Honoria Tuomey. Jose Geraldo Bojorques wife was a Val encia. I cannot add to the story of the priests. The Hans Juhl tavern has been rem- odeled and moved back from the Chileno Valley Crossroads.

Note: See bottom of p. 31 for other mentions of Spanish Town.

from Land Case 134 ND, p. 7 Testimony of Bartolome Francisco Bojorques
San Francisco, Mar. 5, 1853 The Deposition of B. Bojorques *

On this day before Con (?) H.I. Thornston came Bartolo Bojorques a witness on behalf of the Claimant Juan Martin, petitioner No 223 & Was duly sworn his witness being interpreted by the secretary.

Question by Claimant

Quest: 1st What is your name and residence?

Ans: My name is Bartolo Bojorques my age is seventy six and my residence is Californi

Quest: Are you acquainted with the Rancho of Novatos claimed by the Juan Martin if yc state what you know about the occupation of said place.

Ans: I know the said Rancho and have known it upwards of twenty years. It has all th time been occupied by Juan Martin who hada house upon it and lived on it with hi family from the time it was granted to him until now being cultivated by him and stocked with cattle.

(Note: a diseno shows the Hick's Valley area as Canada de Colenqueche.)

Bartolo Bojorques
Mark

U.S. Agent present
Sworn to and Subscribed to before me this 5th day of March 1853

Harry I Thornston Commissione

Filed in Office March 5, 1853 Geo Fisher Sec'y (typed from a photocopy loaned by Bro. Veronius Henry)

Note: The late John Vincent Gallagher thought that the John Martin of Marin Co. was the same person as John Martin whose wife Barcelia Bernal was grantee of Rancho Embarcadero de Santa Clara in northern Santa Clara Co. J.V. Gallagher thought Martin was living a double life with two wives and families but Charmaine Burdell finds different parents and death dates for the two Martins so evidently it is another co-incidence of two contemporaries with the same name. J.V. Gallagher was descended from the John Martin of Santa Clara Co. The Marin Co. John Martin had a son Alexander Martin who m. Maria Antonia de Jesus Salazar, a sister of my gt. grandmother, Maria Juana Salazar de Murzi. Rancho Corte de Madera de Novato (where wood is cut at Novato) was to the south of Rancho Laguna de Sa Antonio. The two ranchos were seperated by Rancho Buacocha (Indian name, meaning unknown) granted to Maria Teodora Peralta in 1846, about 2.600 acres. She was the daughter of Don Luis Peralta(who had wanted to m. Maria Agustina Bojorques) and his wife, Maria Loreto Alviso the older half sister of Don Bartolome Francisco Bojorques. The Marin Co. History pub. in 1880 and repub. in 1972 by Charmaine Burdell, p. 96-97 tells of the Nicasio Indian legend of deserters fro Sir Francis Drake's Golden Hind who settled in Marin Co. and gave Novato and Nicasio their names after places on the island of Cyprus in the Mediterranean.

In 1595 one of the annual Manila galleons sailing from the Phillipines and down the California coast wrecked while anchored at Drake's Bay. The captain, Sebastian Cermeno tried to survey the coast as ordered and while most of the crew of 70 were ashore assembling a launch with a hollowed out hull and plank sides a storm came up wrecking the San Agustin. The nearly 70 survivors managed to reach Acapulco, Mexico in the launch. Fragments of porcelain have been found at the site but whether from the San Agustin or booty left by Drake's Golden Hind to lighten that ship is not always certain. The incident is well known and there are several articles about it. Calif. Hist. Society, 1924, 1941. Robert Marx planned to try and get to the wreck. S.F. Chronicle, Feb. 11, 1986, Oct. 28, Sacramento Bee, Feb. 9, 1987, Aug. 11, 1988. S.F. Ch. July 17, 1987, Jan. 13. 1988. I do not know the outcome. Ch. June 14, 1989 had another article. The galleons crossed the Pacific from the Phillipines to Mexico from 1565 to 1815.

* The Federal Land Cases are at the Bancroft Library, U. of Calif. Berkeley

The grantees of land grants after the United States Government took over, had to prove their title before the U.S. Lands Commission and if they did the U.S. Gov't. would usually appeal and a trial would be held before the Northern or Southern District Court.

as above required, the said plaintiff shall take judgement as prayed for in the 39
said complaint.

L.S. Given under my hand and the seal of the county of Sonoma, this 21st day
September, in the year of our Lord One Thousand Eight Hundred and Sixty-nine.

34-3m W M Anderson Clerk

By A. T Foylson Deputy

The Marin Journal July 16, 1870

The Bojorques case----This intricate Land case, which has been in the Courts for th
past 11 years, is now on trial before Judge Morrison, in S.F.

State of California Supreme Court Reports July 1871 595-610

Points Decided (No. 2,460.)

ELEANORA. O. SALMON, Executrix of the last Will and Testament of Francis Salmon, Dec
eased, v. Allen T. Wilson, Isaac R. Jewell, et als.

DEMURRER FOR AMBIGUITY.- A demurrer, on the ground of ambiguity, should be overruled
if enough appears to render the pleading demurred to easy of comprehension and free
from reasonable doubt.

EJECTMENT BY EXECUTOR.- ALLEGATION OF TITLE IN TESTATOR.- A complaint in ejectment b
an executor is not necessarily defective because it fails to alledge any title in th
testator, as neither the legal title nor the right of possession may have been in hi
at his death, and yet both may have been afterwards acquired by the executor as such

EJECTMENT BY EXECUTOR-ALLEGATION OF SEIZIN.- Where a complaint in ejectment by an ex
ecutrix, after setting forth the will, its probate, and the issuance of letters, av-
erred by that virtue thereof she, as executrix, possessed herself of the real esta
of the testator, and that she has ever since has been and is the owner, seized in fe
of an estate of inheritance therein, both as such executrix and as heir at law, and
entitled to the possession thereof: held, a sufficient averment of sizin and right o
possession in her capacity of executrix.

DEED EXPRESSING MONEY CONSIDERATION, WHEN HELD GIFT.- In determing the character o
a deed, claimed and purporting to be a gift, but also expressing a money considerat-
ion, resort must be had to the instrument itself, but if it can be ascertained from
its face, in terpreted in the light of surrounding facts, that it was intended to be
a gift, it will be so held, without the need of proof aliunde on that point.

DEED OF GIFT, NOTWITHSTANDING MONEY CONSIDERATION.- Where Bartolome Bojorques convey
ed to his eight children eight ninths undivided of a valuable six-league ranch,* in
consideration of love and affection, "and in the further consideration of four hundr
ed and sixty-one dollars to him in hand paid by said parties of the second part:"
held, that enough appeared on the face of the deed itself, in view of the value of
the property conveyed in comparison with the paltry sum named, and in view of the co
ndition of the parties, their relations, and the surrounding circumstances, to show
the transaction a donation, and not a sale.

DEED OF GIFT "SUBJECT TO A MORTGAGE."- Where a deed of gift contained a provision th
at it was made "subject, however, to the payments, conditions, and agreements speci-
fied and conttined in a certain indenture of mortgage:" held, that by accepting the
deed the grantees did not becomepersonally liable for, or assume the payment of, the
mortgage debt, and that the transaction was not thereby rendered a sale.

CONSTRUCTION OF DEEDS AGAINST THE GRANTOR.- Deeds are construed most strongly agains
the grantor.

Statement of Facts.

TUSTIN VS. faught, 23 Cal. 241, in so far as it holds the deed of Bartolome Bojorque
to his children of eight ninths of the Rancho Laguna de San Antonio to be a deed of
bargain and sale, and not a deed of gift, overruled.

ACKNOWLEDGMENT BY WIFE, WHERE HUSBAND NOT RESIDENT.- Where the certificate of acknow
ledgment to a deed of seperate property by a married woman, made under the act of Fe
bruary 14th, 1855, (Stats. 1855 p. 12), was dated February a6th, 1859, and set forth
that she acknowledgedon February 22d, n959, and that her husband "does not now res-
ide, and for one year next preceeding February 22d, 1859, has not resided within the
State of California:" held, that an objection to the certificate, on the ground of n
stating that the husband was not a resident on the day of acknowledgment, was hyper-
critical and untenable.

*The deed was drawn up by Judge Ai Barney on Nov. 21, 1851 in San Rafael and he said
that the mortgage to James A. Shorb should be put in and paid off ($450.00 at 10%
a month) before their title was clear. One of the Tustins paid it off. Gates vs.

DEED BY WIFE OF NON RESIDENT-CERTIFICATE DATED AFTER ACKNOWLEDMENT.- The statute re ting to conveyances, by wifes of non-residents. of their seperate estate (Stats. 18 p. 12), contemplates that some time may elapse, after the acknowledgment, and befor the certificate, in order to make the necessary proofs as to the non-residence of t husband; but the certificate, when made, is the termination of a continuous transac ion, and speaks of the day of acknowledgment.

DEED OF UNDIVIDED INTERESTS, WITH SPECIAL RESERVATION- VESTING OF TITLE.- Where a f ther made a deed of a gift to his eight children of eight ninths undivided of a lar grant, reserving one ninth to himself, "to be laid out on that part of said rancho which I now reside:" held, that the actual location of the reserved ninth was not a condition precedent to the vesting of title to their undivided portions in the chil ren.

EJECTMENT-PROOF OF OUSTER. Where, in ejectment, the answer put in issue the pl- aintiff's title and right of possession, while it was not denied that defendant was in exclusive possession, holding for himself alone: held, that this was sufficient proof of ouster.

APPEAL from the District Court of the Seventh Judicial District, County of Sonor

This was an action of ejectment, brought against all of the occupants (over a hu dred in number) of the Rancho Laguna de San Antonio, in Sonoma and Marin Counties. Isaac R. Jewell, one of the defendants, answered separately; and the case, so far as he was concerned, was tried, and judgement obtained against him in March, 1870. He afterwards made a motion for a new trial, which being overruled, he took this appeal from the order as well as from the judgement.

The complaint, after giving the title of the Court and names of parties, commence with the declaration that "the "The said plainttff in this action as well on her own account as on the account of the other heirs and devisees of Francis Salmon, decease complains of the above named defendants." It then alleges in the usual form the dea th of the testator, the leaving of a will, which is set forth in full, its proper pr obate and issuance of letters testamentary to the plaintiff, and her qualifications; and then follows the allegation that she, "by virtue thereof, possessed herself of t real estate of said testator," etc,, as given in the opinion. It also alleges ouste by the defendants, describes the land, and prays judgement of restitution, etc. To this complaint defendant Jewell, previous to putting in his answer, interposed a de- murrer on the grounds that it did not state facts sufficient to constitute a cause o action, and that it was ambiguous and uncertain in not plainly setting out the party or parties plaintiff specifically, and in not specifically or in any manner describ- ing the interests which plaintiff had in the lands. The demurrer was overruled.

F. D. Colton, for Appellant.

1. The complaint is insufficient, because it nowhere alleges that Francis Salmon, the testator, was in his lifetime the owner of the land. The allegation that plaint iff "thereupon, by virtue, thereof, possessed herself of the real estate of said tes tator hereinafter described," is not an allegation that Francis Salmon ever owned th land, or that it belonged to the estate. It is simply a recital to the effect that she possessed herself of the land, as being l nd of the estate. But this is no alle- gation of title in any one. A title in her, as executrix, is not set out at all; an no facts are shown to entitle her to recover as such. The allegation that she is se zed in fee of an estate of inheritance, as executrix, is an impossible allegation, b cause an executrix, as such, cannot have an estate of inheritance; she simply has a r ght of possession, founded upon the title of the testator.

Again the compl int is ambiguous. It appears that the plaintiff complains as wel on her own account as on account as on account of the other heirs and devisees of Fr- ancis Salmon, deceased, and she alleges that she is seized of an estate of inheritan both as executrix and as heir at law of said testator. We contend that the parties plainftiff are not definitely set out, nor is the title relied on sufficiently alledg

2. If the deed from Theodosia Bojorques Prudon to Salmon, Bliss and Touchard was not properly acknowledged and certified in accordance with the statute (1 Hittell, 5) it was not executed, and is inoperative (Ewald v. Corbett, 32 Cal. 497.) It is one of the express conditions of the statute that the husband shall not reside in the St- ate on the day of acknowledgment; but this nowhere appears from the certificate. If it is sufficient that the husband was not a resident on the twenty-sixth of February, then it is sufficient if he was not a resident of the first of June following. If th Judge can delay making his certificate for four days, and then certify that on that day he was not a resident, them he can delay for four months, and then certify that

the day of acknowledgment he was not a resident. For all that appears, the husband may have been present at the time the acknowledgment was taken. He may have been residing in the State, and in the Town of Santa Rosa, on the twenty-second, twenty-third, twenty-fourth, and twenty-fifth of the month; and from the certificate it would be inferred that for those four days he was residing in the State.

3. The deed from Bartolome Bojorques to his children is a deed of bargain and sale and not a gift. The words of conveyance are, "give, grant, bargain, and sell," all owing upon the face of the deed that it was not a gift. It is not like the deed in Peck v. Vandenberg, 30 Cal. 13. In that case the grantees, as appeared from the deed were the owners of the equitable title to the land, and the grantor simply vested them with the legal title thereto. She states this to be the object of the deed. H intent to give appears plainly and unequivocally from the deed itself. Not so with the deed in this case. Here the grantor provides carefully for his money and for the payment of his mortgag. This same deed has been before this court in Tustin vs. Faught, 23 Cal. 241, and it was there held that upon its face it was a deed of bargain and sale, and not a deed of gift.

4. Parol evidence is not admissible to vary or modify the conveying elements in a deed, except for the purpose of reforming it on account of fraud. (McCrea v. Piermont, 16 Wend. 465; Westbrook v. Harbison, 2 McCord Ch. 112; Ryan v. Goodwin, McMullen Eq. 451; Gullett and Wife v. Lamberton, 1 English, Ark., 109; Sewell v. Baxter and Wife, 2 Maryland Ch. Dec. 454, and cases cited; Natley Young's Estate, 3 Maryland Ch Dec. 467: Crawford v. Spencer, 8 Cush. 418; Logan v. Bond, 13 Ga. 197; Cook v. Whiting, 16 Ill. 483; Attorney General v. Clapham, 31 English L. & Eq 163.)

5. By the terms of the conveyance the land conveyed was made subject to the payment of the mortgage, according to the conditions and agreements specified therein. This mortgage was for four hundred and fifty dollars, with interest at the rate of ten per cent per month, compounded monthly. The payment of this mortgage might well be a strong inducement to the grantor to make the deed. By the terms of the deed, the grantees were bound to pay this mortgage. Such was the evident intention; and they received it with that understanding, and were bound to fulfill all obligations specified in it. (Minor v. Terry, 6 Howe. Pr. 208; Ferris v. Crawford, 2 Denio, 595; Jemel, 7 Paige Ch. 594; Belmont v. Gowan, 22 N. Y. 439; Maynard v. Maynard, 4 Edwards Ch. 716; Notter v. Hughes, 2 Kerman, 78; Lewis v. Covillaud, 21 Cal. 178.) And it makes no difference that the grantee was a feme covert. (Cross v. Carson, 8 Blckford, 138; Barker v. Cobb, 36 N H. 344; Garnett v. Scouten, 3 Denio, 334.)

6. No Ouster has been shown. Admitting the plaintiff's title, she has made out no case. If she has title, she is merely a tenant in common; and no refusal of joint occupation has been shown.

George Pearce, for Respondent.

1. Though the plaintiff alleged a fee simple, she was not bound to prove it, but might recover on proof of prior possession. (Morton v. Folger, 15 Cal. 275; Stark v. Barrett, 15 Cal. 361.)

2. The deed of Bartolome Bojorques to his children constituted a gift. (Gale v. Colburn, 18 Pick. 297; Brewer v. Harely, 22 Pick. 370; Bryan v. Bradley, 16 Conn, 474; Peck v. Vandenberg, 31 Cal. 11.) If it did not on its face, parol evidence was admissible to show the real consideration. (1 Green. Ev., Sec. 26, Note 1; Wilkinson v. Scott, 17 Mas s. 257; Fairly v. Fairly, 34 Miss. 18; 2 Wash. on Real Prop. 655, 656, and cases cited; Barker v. Koneman, 13 Cal. 9; Cole v. Saulsby, 21 Cal. 47; Bennett v. Solomon, 6 Cal. 134: McCrea v. Piermont, 16 Wend. 460; Bullard v. Briggs, 7 Pick. 537; Wallace v. Wallace, 4 Mass. 135; Peck v. Vandenburg, 3o Cal. 11.)

3. When the different parts of a deed are inconsistent with each other, effect must be given to that part which is calculated to carry into effect the real intention, and that, and that which would defeat it must be rejected. (Chitty on Cont. 94 Walker v. Giles, E. C. B. 662-702; Shep. Touch. 88; 1 Steph Com. 464; Furnival v. Coombes, 5 M. & G. 736.)

4. The words used in the deed of Bartolome to his children in reference to his own share, do not constitute a reservation in the sense attempted to be put upon it (Bou v. L. Diet., Title, Reservation: 2 Wash. on R. P. 686, 687, 692); nor an exception (2 Wash. on R. P. 686; 38 N. N. 212; Hurd v. Curtis, 7 Met. 110: Peltea v. Harris, 1 Pick. 323); nor a condition (6 Petersdorff's Abr., Title, Condition, 35.) The deed passed an estate in presenti, and created a tenancy in common of the whole tract. (Lawrence v. Ballou, 37 Cal. 518; Schench v. Ency, 24 Cal. 110; Lick v. O'Donnell, 3 Cal. 59; Gibbs v. Swift, 12 Cush. 393; Shrafe v. Wait, 30 Ver. 738; Jackson v. [illegible]

vingston, 7 Wend. 136; Corbin v. Jackson, 14 Wend. 619; Long Island, R. R. Co. v. C nklin, 29 N. Y. 572.)

5. It is Objected that it nowhere appears that the husband of Theodosia did not reside in the State on the day of the acknowledgment to her deed. What is the day of acknowledgment? Clearly, the twenty-second day of February; and the certificate shows that the husband did not reside in, and had not for one year next preceeding that day reside in, the State. The act of certifying an acknowledgment must follo the taking of the acknowledgment; and in such a case as this a reasonable time will be allowed until the testimony, provided in the statute, is taken. The words used the certificate-whenever that may be made- all refer to the day of acknowledgment; and the words "does not now," etc., used in the certificate here are used in connection with, and in reference to, the word "acknowledged," and are qualified th ereby and by intendment of the statute, they being part only of an entire certifica of acknowledg ent, made on the twenty-second of February.

6. No question arises in an action of ejectment about an ouster in a case when th defendant denies the plaintiff's title. (2 Greenl. Ev., Sec. 318; Siglar v. Van Kis ar, 10 Wend. 414; Carpenter v. Gardner, 29 Cal. 163; Ownenv. Morton, 24 Cal. 373; M rshall v. Shafter, 32 Cal. 194.)

By the Court, CROCKETT, J.:

The demurrer to the complaint, on the ground that it is ambiguous, and does not state facts sufficient to constitute a cause of action, was properly overruled. Th facts on which the plaintif relies might, perhaps, have been stated with more perspicuity; but enough appears in the complaint to render it easy of comprehension and free from reasonable doubt, which is all that is necessary.

Under the second ground of demurrer, it is objected that if the plaintiff can recover at all, it can only be in her capacity of executrix, and not in her own right, and that the complaint fails to alledge any title in her testator to the demanded premises. If this be conceded, the complaint is not necessarily defective. Neither the legal title nor the right of possession may have been in the testator at the time of his death, and yet both may have been since acquired by the plaintiff, in her capacity of executrix, prior to the commencement of the action. After setting forth the will, and alleging that it was duly probated and that letters testamentary were issued to the plaintiff, the complaint avers that "by virtue thereof (she) possessed herself of the real estate of said testator hereinafter described, and ever since then has been, and now is, the owner seized in fee simple of an estate of inheritance of, in, and to all of said land, both as such executrix and as heir at law of said testator, and is now entitled to the possession thereof." This is a sufficient averment of seizin and a right of possession in the plaintiff in her capacity of executrix.

The plaintiff and defendants claim title to the premises in controversy under one Bartolome Bojorques, who, in November, 1851, conveyed to his eight children, as tenants in common, eight ninths, undivided, of the "Rancho Laguna de San Antonio," reserving the remaining one ninth to himself. "to be laid out on that part of said rancho on which I now reside." The deed recites that it was made "for and in consideration of the natural love and affection of the said party of the first part to his children, the said parties of the second part, and in the further consideration of the sum of four hundred and sicty-one dollars, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged." In a subsequent portion of the deed,, it is provided that the conveyance is made, "subject, however, to the payments, conditions, and agreements specified and contained in a certain indenture of mortgage" made by said Bartolome Bojorques to one Short, to secure the payment of four hundred and fifty dollars, with interest at the rate of ten per cent per month, on which mortgage there was then due four hundred and fifty dollars, and interest from the eighth day of March preceding. The mortgage included the whole rancho, which contained six square leagues..One of the children named as a grantee in the deed was Theodosia, then the wife of Victor Prudon, from whom, however, she had been seperated for some years next prio to the date of the deed, in which she is described by her maiden name, Theodosia Bojorques," and in which there is no reference to her husband. The plaintiff deraigns title under Theodosia, through a deed made by her, in which her husband did not unite, he being then, and for more than a year next preceding the execution of the deed, a non-resident of this State, as the plaintiff alleges. The defendants deraign title under certain other of the children named as grantees in the deed of November, 1851; and therehhas been no partition of the rancho between the several tenants in common, though and action is pending for that purpose.

At the trial, the plaintiff put in evidence the deed from Bartolome to his child-

ren, and offered to prove by parol that it was intended as a deed of gift, and not as a deed of bargain and sale, and that no valuable consideration whatever was paid or agreed to be paid by the grantees. The defendants objected to this proff as incompetant, but the Court admitted it, and the defendants excepted. The plaintiff then offered in evidence the deed from Theodosia, to which the defendants objected, on the ground that it was not acknowledged and certified in the form required by law to enable a married woman to convey her seperate estate without uniting her husband in the deed; but the Court admitted the deed, and the defendants excepted. These rulings are claimed by the defendants to have been erroneous, and constitute the chief grounds of error relied upon on this appeal.

It becomes material, it is said, to determine whether the deed from Bojorques to his children was a deed of gift, or of bargain and sale, for the reason that in the former case the estate conveyed to Theodosia became her seperate property and might be alientted by her without joining her husband in the deed, under the circumstances alledged to exist in this case; whereas, if the conveyance from her father was a deed of bargain and sale, made upon a valuable consideration, it is claimed that the estate conveyed became community property, and could not be transferred by her seperate deed. In determining the character of the deed, resort must, of course, be had to the instrument itself; and if it can be ascertained from the face of it, interpreted in the light of the surrounding facts, that it was intended to be, in fact, a deed of gift, and that the transaction between Bojorques and his children was a donation, and not a sale, there will be no necessity for the inquiry whether parol evidence was admissible to prove it to be a gift. If the deed itself, viewed in the light of the circumstances under which it was made, establishes the gift, there was no deed of proof aliunde on that point.

In Peck v. Vandenberg, 30 Cal. 11, this Court had occasion to consider a deed very similar to that now under discussiin. In that case a mother conveyed to her eight children eight ninths of two large tracts of land, reserving one ninth to herself, and the deed recited that it was made "in consideration of the natural love and affection which I have and bear to my said children, and for the further sum of five dollars, to me in hand paid before the sealing and delivery of these presents, the receipt wherof is hereby acknowledged." The only appreciable difference between the recital of the consideration in that deed and in this is, that in the former the money consideration is stated at five dollars, and in the latter at four hundred and sixty-one dollars. In that case the record did not disclose the quantity of land conveyed; but in this case the quantity conveyed to the children was eight ninths of a tract of six square leagues, containing about twenty-five thousand acres, of which more than twenty-one thousand acres was conveyed to the children. In the former case the Court held that the consideration of five dollars, recited in the deed, was merely nominal, and was probably inserted by the scrivener under the belief that some such recital was essential to the validity of the conveyance; and the deed was, therefore, held to be a gift on its face.

I think it is apparent in this case, as in that, on the face of the deed itself, construed in connection with the surrounding facts, that the money consideration named in the instrument was merely nominal, and that the transaction was in fact, a donation, and not a sale. Here was an old man with a family of eight children, most of whom were married and living apart from him, and who was the owner of about twenty-five thousand acres of land situate in one of the most fertile portions of the State. He conveys to all his children eight ninths of this large estate in equal portions, reserving to himself only one ninth, including his homestead, and recites on the face of the deed that it is made "for and in consideration of the natural love and affection of the said party of the first part to his children, the parties of the second part;" and then adds, as a further consideration, the paltry sum of four hundred and sixty-one dollars, which is recited to have been paid to him by the children, - equal to about fifty-eight dollars for each child; and each of whom was receiving, under the conveyance, about two thousand seven hundred acres of valuable land. If the recital of thispaltry money consideration, so insignificant as compared with the value of the estate, is to convert the transaction into one of bargain and sale, no reason is perceived why the same result would not have ensued if the sum named had been one dollar or one cent for each of the children, instead of fifty-eight dollars. The disproportion between the price named and the value of the estate would only have been a trifle greater in the one case than in the other; but in either case is so enormously large as clearly to indicate that the money consideration did not, in fact, enter into the transaction as one of its material elements. It was clearly the int-

ention of Bojorques to donate this large and valuable estate to his children in equa portions, and not to sell it to them. Hence we find the conveyance to his married 4 daughters is made to them in their own names, excluding their husbands; and in the case of Theodosia, she is named by her maiden name, and her husband is not referred to. The parties of the deed must be presumed to have known that under the law, as it then was and now is, all property acquired by the wife during the marriage, by gift, bequest, devise, or descent, became her separate estate, and that all acquire otherwise became the common property of the husband without the consent of the wi It is clear that Bojorques, in conveying this valuable property to his married daugh ters, had no intention to convey it, practically, to their husbands; and particular in the case of Thdodosia, who had been, for some years, living apart from her husb But if we should hold that the insertion in the deed of an inconsiderable money cons deration by the scrivener who drew it up had the effect to convert the transaction i to one of sale, I am convinced we would give the effect of this deed which never en ered the mindsminds of the parties to it at the time it was made. When Bojorques co nveyed to Theodosia her portion of the land, he little dreamed that he was virtually conveying it to her husband, Prudon, from whom she had been seperated for six years. Our statute , which provides that all property acquired by the wife during the marr- iage, otherwise than by gift, bequest, devise, or descent, shall be common property, and subject to disposition by the husband, could not have been intended towork so f agrant a wrong as would result in this case were we to hold that the deed fromBojor- ques to his married daughters was in fact, and was intended to be a deed of bargain and sale, and not of gift. But enough appears on the face of the conveyance, when construed in connection with the condition of the parties, their relations to each other, and other circumstances, to render it apparent that the transaction was a do nation, and not a sale, in the true sense of the statute defining the rights of hus- band and wife; and this, too, without the aid of parol evidence to show the actual intention of the parties and the precise facts of the transaction. Some stress, ho ever, is laid upon that clause of the deed which recites that the conveyance is made subject to the "payments, condition, and agreements" contained in the mortgage to Sh ort; and counsel insists that in accepting the deed the grantees became personably liable for, and asssmed the payment of the mortgage debt, and that this rendered the transaction a sale, and not a gift. The mortgage to Short is not before us, and we are ignorant of its contents, except that it included the whole rancho, and was made to secure the payment of four hundred and fifty dollars, with interest at ten per ce nt per month from March 8th, 1851. This recital is but a declaration of the grantor that the whole tract was then subject to the mortgage to Short; and such recitals ar usually inserted in deeds conveying mortgaged premises, in order to rebut a presump- tion that the existence of the mortgage had been concealed from the grantee. But a recital of this character imposes no obligation on the grantee topay the mortgage debt unles s there be some other clause in the deed indicating that such was the und erstanding and agreement of the parties. Deeds are construed most strongly against the grantor, and in the absence of any provision importing that the grantee shall as ume upon himself the payment of a prior mortgage upon the premises, no such obligat- ion arises. I find nothing in this deed indicating such an understanding.

I am aware that in Tustin v. Faught, 23 Cal. 241, this particular deed from Bo- jorques to his children was under consideration, and was held to be a deed of barg- ain and sale, and not a deed of gift. But from the report of the case this point do es not appear to have been argued by counsel, or carefully considered by the Court. The opinion ofthe Court, by Mr. Justice CROCKER, does not attempt an analysis of th deed, and, on this point, is unsatisfactory. I think the Court fell into an error i deciding on the character and legal effect of the instrument.

The next point urged by the appellant is, that the deed from Theodosia to Salmon, Bliss, and Touchard, is inoperative and void as a conveyance, because of a defect in the certificate of acknowledment. The statute of February 14th,1855 (Stats. 1855, p. 12), provides in what manner a married woman may convey her separate estate, in the absence of her husband. It requires the acknowledgment to be made before the District Judge of the county in which the land is situate, and only authorizes such a conveyance to be made by the wife, when the husband was not, and for one year next preceding the execution of the instrument h d not been bona fide, residing in this State. The second section required that the Judge taking the acknowledgment shall, "before he certify the same, be satisfied by the oaths of at least two credible, dis interested citizens of this State, that the husband of such married woman does not, and for one year preceding the year the day of acknowledgment has not, resided in th

s State, which fact, and the names of the witnesses by whom the same was proved, sh be recited in the certificate of acknowledgment." 45

The acknowledgment in this case was taken before the proper Judge, whose certificat is dated February 26th, 1859, and states that the deed was acknowledged by the wife on the 22d February, 1859, and that he is satisfied by the oaths of four credible, disinterested citizens of this State (whose names are given), that Victor Prudon, t husband of said Theodosia, "does not now reside, and for one year next preceding th 22d day of February A. D. 1859, has not resided, within the State of California." The only objection taken to this certificate is, that it does not state, as is alle ged, that on the twenty-second of February (the day of the acknowledgment) the husb and was not a resident of this State. It is conceded that the certificate states, at on the twenty-sixth of February, and for one year next preceding the twenty-seco od February, Prudon was not a resident of this State; but it is said there is nothi in the certificate to show that on the twenty-second (the day of the acknoedgment) was not residing in this State. This objection is hypercritical and untenable. If such fine-spun technicalities as this should prevail in interpreting certificates o acknowledgment, there would be but little safety in land titles. The certificate w manifestly intended to speak as of the day of acknowledgment; and when it says Prud- on is not "now" a resident, it must be referred to the day of the acknowledgment, a not to the date of the certificate, four days later. The statute contemplates that some time may possibly elapse after the acknowledgment, and before the certificate, in order to make the necessary proofs as to the non-residence of the husband, and u il the proof is made the transaction is continuous, and is finally terminated by th completed certificate, which speaks as of the day of acknowledgment. This certific e is clearly good.

Another point made by the appellant is that the deed from Bojorques to his children was inoperative to vest the legal title in them until after the one ninth reserved by him had been definitively located so as to locate his homestead. But there is no force in this proposition. There is nothing in the deed to indicate that the actual location of the one ninth was intended as a condition precedent to the vesting of the title. On the contrary, that clause of the deed was designed to be only a specification, in general terms, of the manner in which the reserved one ninth should be thereafter located on a final partition between Bojorques and his children. The provision for the location contains none of the elements of a condition precedent.

The only remaining ground of error relied upon is that there was no proof of the ouster complained of. But the answer puts in issue the plaintiff's title and right of possession; and even on this appeal it is insisted that the plaintiff has neither title nor right of entry, whilst it is not denied that the defendant is in the exclusive possession, holding for himself alone, and not for himself and the plaintiff, as one of his cotenants. Under all the authorities this is fufficient proof of ouster. (Owen v. Morton, 24 Cal. 373; Carpentier v. Gardiner, 29 Cal. 163; Marshall v Shafter, 32 Cal. 194; 10 Wend. 414; 2 Greenl. Ev., Sec. 318.)

Judgment affirmed

Mr. Justice Temple, being disqualified, did not participate in the decision of this case.

Marin Journal, Apr. 23, 1873.

Patent from U.S. to Bartolome Bojorques, for 24, 903 42/100 acres. This patent was signed in 1871, and is but just recorded.

9-17-1874

The Bojorques Case

Following is the decision of the Supreme Court in the Bojorques case rendered on Tuesday. This case has been in litigation nearly fifteen years:

GATES VS. SALMON, No. 4336.-The deed made by John McBrown to W. H. Dalton and other, dated October 14, 1865, contains an exception of a tract of land described by metes and bounds, and the title which John McBrown retained in the exception was of the same nature, quality and extent as that which he held immediately before the conveyance was executed. The findings and decree in respect to the land excepted from the operation of that deed are correct.

It is ordered that the interlocutory decree filed March 14, 1874, be modified by striking from each of the paragraphs thereof numbered from 'forty-ninth' to 'sixty-ninth,' both inclusive, the words 'Rancho Laguna de San Antonio,' and inserting in

the place thereof 'tract of land."

The paragraph of the decree immediately following that which is numbered 'seventieth' is ordered to be modified by striking out the words 'quantity and quality relatively consdered with reference to the whole of said land."

Note: There are five tracts labeled H. Gates on San Antonio Mtn. in the south-part of the rancho. Salmon Creek goes along the south of the Mtn. The McBrown reservation was the south-west area. 1878 Sonoma Co. Atlas.

The next succeeding paragraph is ordered to be modified by inserting between the words 'any' and 'prejudice' the word 'substantial,' so that the clause will read 'without any substantial prejudice or injury.'

The next succeeding paragraph is ordered to be modified by striking out the following sentence, to with: "And that the referees are also instructed that in making allotments to the different parties of their respective fractions of interest in said rancho, as herein adjudged to them, the referees must set off such fractions to the respective owners thereof in one body, and in as compact a form as may be.."

The order denying John McBrown's motion for a new trial is affirmed, and it is further ordered that the cause be remanded, with directions to modify the decree as above expressed , and that when so modified, it stand affirmed; and that the appellant except John Brown, recover the costs paid by them to the Clerk of the Court, and $20 for printing a portion of the transcript. Remittitur forthwith.

Marin Journal, March 11, 1875

Over $100,000 have been expended in litigation regarding the Bojorques ranch. It is believed that the survey and partition now progressing will be accepted as a final decision of the case

The Weekly Argus, Petaluma July 23, 1875

The Commissioners appointed by Judge Morrison, of the Fourth District Court, to partition the Bojorques rancho in accordance with decisions of the District and Supeme Courts, have completed their labors and will present their report in Judge Morrison's Court on Friday next. The report includes carefully executed maps of the whole tract and a minute description of each piece of land allotted to claimants. The Commissioners, E. C. Hinshaw, A. Higgins and J. M. Charles, commenced their labors some nineemonths ago, and have been employed most of the time since in making the partition. We are informed by parties competant to judge, who have critically examined the report, that it is one of the most complete, intelligible and comprehensive documents of the kind ever prepared in California. If accepted by Judge Morrison, as it doubtless will be, the report will be recorded in the Recorder's offices of Sonoma and Marin Counties. The work of the Commissioners gives satisfaction to nearly all the parties interested, and it is believed that a final settlement of this important case has at last been reached. We are informed that the expenses of the partition will be between $8000 and $10,000. The litigation in this case was commenced over fifteen years ago, and has cost between $60,000 and $75,000.

The Weekly Argus, Petaluma March 16, 1877

BOJORQUES COST BILL

The Referee Report on the cost bill in the case of Gates vs. Salmon, has been filed in the Cler"s office of San Francisco. Following is the cost: The total amount of costs allowed is $35,485 41; divided as follows: Gates, the plaintiff, $3,942 78; S.A. Marshall, $458 15; W. P. Bullard, $217 76; John McBrown, $520: Salmon, $2,629 8 L. Vestal, $645 90; H. Mecham, $433 86; H. P. Finch, $269 52; W. H. Dalton, $269 52; Caleb Railsback, $552 95; H. Gibbs, $134 76; J. A. Rainard, $269 52; W. H. Dalton and others, $7,359 12; L. W. Walker, $2,439 52; Colton & Schowebeda, $422 82; A. Godoy, $1,047 73; Dolly E. Jewell, $416 58; L. R. Jewell, $2,086 59; J. & E. Denman, $1, 121 52; J. Freeman, $385 07; W. H. Pepper, $226 74; Willis Faught, $105 13; John Sales, $105 13; J. Q. Cowles, $52 56; J.A. Purrington, $946 54; Hamilton Gaston, $245 84; A. J. Stanley, $211 81; A. McNamar, $72 98; C. Purvine, $487 75; R. Leavey, $634 11; G.W. Johnson, $299 44; Hugh Gaston, $245 84; Martha Gaston, $245 84; Robt. Andrews, $124 12; S. Q. Barlow, $119 24; Jno. Schowebeda, $153 41; John Giberson, $221 36; N. A. Clark, $388 33; Chas. Weigand, $ 65 20; P. Ferguson, $46 16; F. D. Colton, $464 17; C. Warner, $176 29; O. P and A. E. Cameron, $100 21; S. M. Martin, $120 97; J. Purvine, $17 27; John Allen, $196 53; Joseph Wallace, $49 87; E. B. Torrance, 50 56; W. A. Lewis, $86 29; - Goatley, $43 52; Rutheford & Giacomini, $ 310 53; Schowebeda & Colton, $334 16; John H. Stanley, $274 50; A. T. Wilson, $630: Abbey Frazier $164 10; W. Robson, $173 60; David Morrow, $452 33; Geo. W. Freeman, $218 14; Collin & Miner, $99 35; A. Huntly, $ 200 48; D. Frazier, $104 90; A. Talamantes, $15 55;

B.A. Lewis, $633 49. The above constitutes the total costs as taxed to the several parties, litigants in the suit, of which amount the following sums were allowed to the commissioners: J.M. Charles, $2,008; E. C. Hinshaw, $ 1, 347 70: A. Higgins, $ 1,388; Chamles Hinshaw and Higgins, $1,308 75; - Belden (Reporter), $180; L.D. Latimer, $2,329; Wm. Ordway, $2,079; J. H. McNabb, $1 919. The parties will have until the 28th inst. to file objections to the above report, when it, will come before the court for final adjustment.

Marin Journal, May 10, 1877

Bojorques Case--There has been a stay of proceedings in the case of Gates Vs. Salmon and it is understood that some of the parties intend to appeal to the Supreme Court. This suit has been pending some 16 years, and has cost the litigants about $35,000, independant of attorney's fees and incidental expenses. It has twice been before the Supreme Court on different questions, and it is unlikely that all parties will be satisfied.

Marin Journal, Jan. 3, 1878

Bojorques--The Bojorques League Association hold weekly meetings in this city on Saturdays. We are informed that the affairs of the League are about settled up, nearly all of its property being finally disposed of. The litigation concerning this grant commenced 17 years ago, and the court costs amount to upwards of $36,000, besides attorney's fees and personal expenses of interested parties, which aggregate as much as the above named sum.

Marin Journal, April 25, 1878

Ejectments on the Bojorques--Several months ago a decision was rendered in the famous Bojorques ranch case, by the 4th District Court, against many of the occupants of the land. The matter here rested, but the law's delays, untill a few days since, when writs of possession were issued, and then came the trouble. Sheriffs Tunstead and Dinwiddie have the unpleasant business of executing theseewrits, and ejecting the claimants in possession, some of whom have passed the better part of their lives there. One man, Mr. Talamantes, who had 70 acres, and owned under a warranty deed, and on which he has lived 20 years, is dispossessed of all but 20 acres. Other sufferer are Mchail, Freeman, and J. Mc M. Brown the latter losing 2,194 acres.. There are several tenants on Mr. Brown's portion, one of whom is Mr. Garzoli. It is in many instances a casee of excessive hardship.

Assessment Roll for the year 1859 for Marin County. Sent by Charmaine Burdell

Bartholemew Bojjorques			
Improvements	300	300	
3 tame Cal Cows	25	75	
3 Cal Calves	6	18	
1 " horse	50	50	
2 Cal Oxen	50	100	543

from: Robert Ryall Miller - Marin County Tax Lists (Assessor's Office) 1851-1855
Original loaned to the Bancroft Library for filming
by the Marin Co. Library

Film C-A 289 Bancroft

1851 Name	Value of Land	Value of Improvements	Personal Estate	Tota
Bohorces, Bartholomew	40,000	100		40,1
" , Angel			1,100	1,10
" , Pedro			3,300	3,30

1854 Name
Bojorques, Bartholew b. 293 Real Estate Part of San Antonio Ranch Acres 2960 Value 3700 Value of Improvements 300 Personal Property 1030 Total 5530

from: Expediente 483, National Archives, Social and Economic Records Division, Group 49
Washington, D.C.

This photostat is of the Land Grant Map (diseno) part of the papers of ownership of the rancho granted to Bartolome Francisco Bojorques. The ranch was occupied in 1837 and seems to have included the earlier military post of San Vicente de la frontera del norte. The map was drawn in 1844 by a German draftsman named William Benitz according to his testimony in Land Case 61ND after the American occupation. This accounts for the misspelled names.

Legend: Pidres. Santiago de las dos piedras. The chert outcrops are shown with the

Camino de Bodega - road from Bodega going between. Near the bottom of the map it says Camino de San Rafael, the Mission. Springhill Road partly follows this trail.

Llano - plain

poso de agua - well

Tamales - The Tamil Indians who lived at a widening of Stemple Creek called the Bolsa de Tomales. A rancho was granted by this name to Juan Nepomuceno Padilla. The widening of the Creek was later called Burbank Lake after after the older brother of Luther Burbank whose home still stands above the creek which reaches the Pacific as the Estero de San Antonio. The Russians called it Tam alanika Creek.

Canada - canyon or valley now Chileno Valley.

A. Bojorce - The adobe of Angel de la Luz Bojorques who was a son of the grantee. The black rectangle is the adobe which was torn down in 1938. The shaded area is a sown field. The blank rectangles are corrals.

Juan Bojorce - Another son of the grantee.

B. Bojorce - The large rectangle in black is the adobe of Bartolome Francisco Bojorque The smaller one is the palizada built in the year of occupation. A palizada was built of logs stuck in the ground and covered with adobe and topped by a thatched roof.

Laguna San Antonio - the crescent shaped lake shown going around the hill. This hill was called La Lomita Alta, the high little h ill.

Arrollo (arroyo) - San Antonio. This creek is now part of the Marin - Sonoma County line.

Lindera de Juan Martin - boundary of Juan Martin the grantee of Rancho Corte Madera de Novato. Timber was cut here.

Lindera de Juan Miranda - boundary of Juan Miranda's rancho Arroyo de San Antonio, San Antonio Creek. The western part of Petaluma is on this land grant.

The arrow pointing north is not quite correct. William Benitz testified that his compass was weak.

Roger Rehm, gt. gt, gt, gt grandson
of Bartolome Francisco Bojorques.

U.S. Survey Plats: March 1857, Ph. R. Thompson, Deputy Surveyor. National Archives, Social & Economic Records Division, Record Group 49. Washington, D.C.

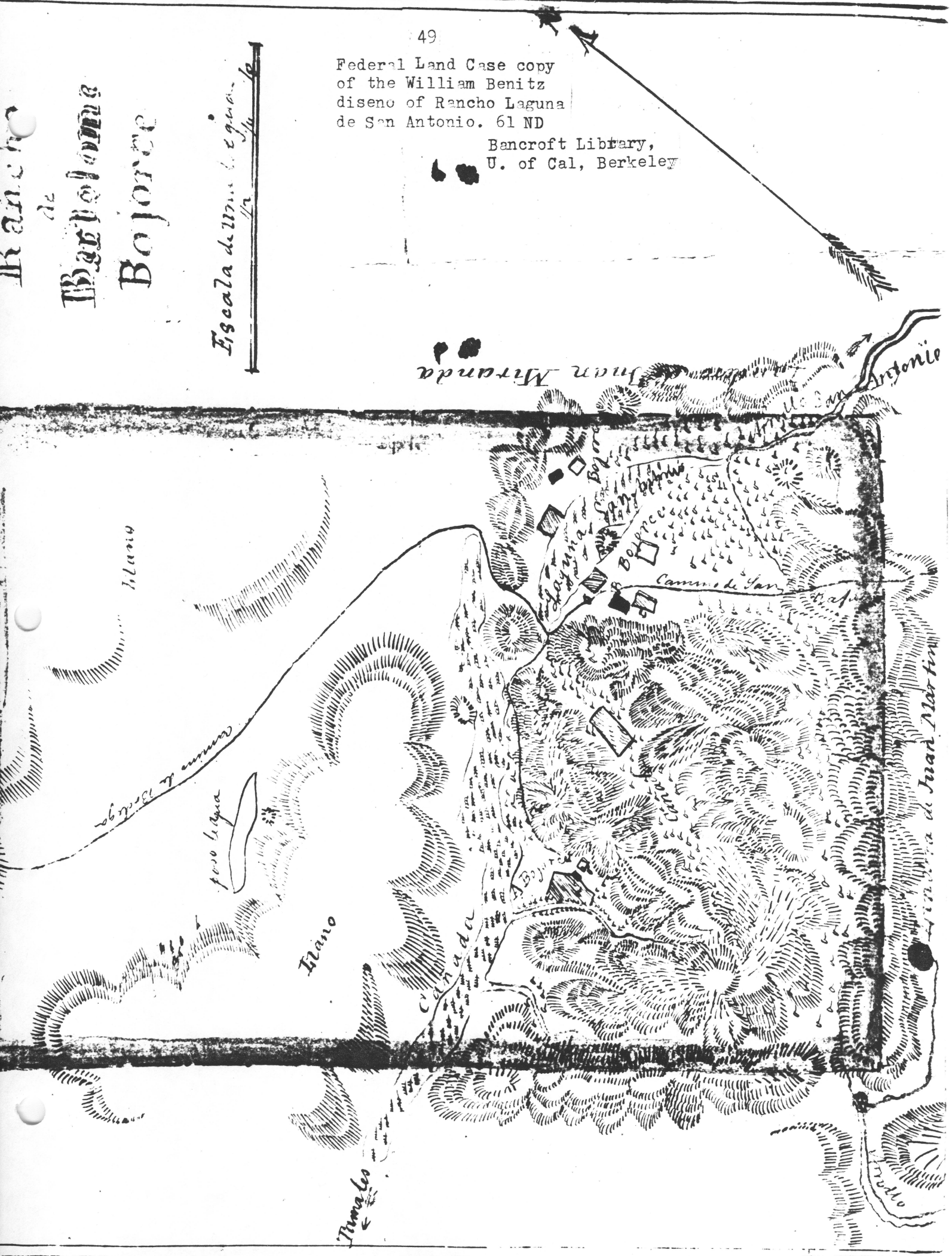
Show only boundary data.

Copy of above, 1859. Bancroft Library, U. of Cal. Berkeley

Copy in the State of Calif. Archives, Sacramento. Not as much detail.

Federal Land Case copy
of the William Benitz
diseno of Rancho Laguna
de San Antonio. 61 ND

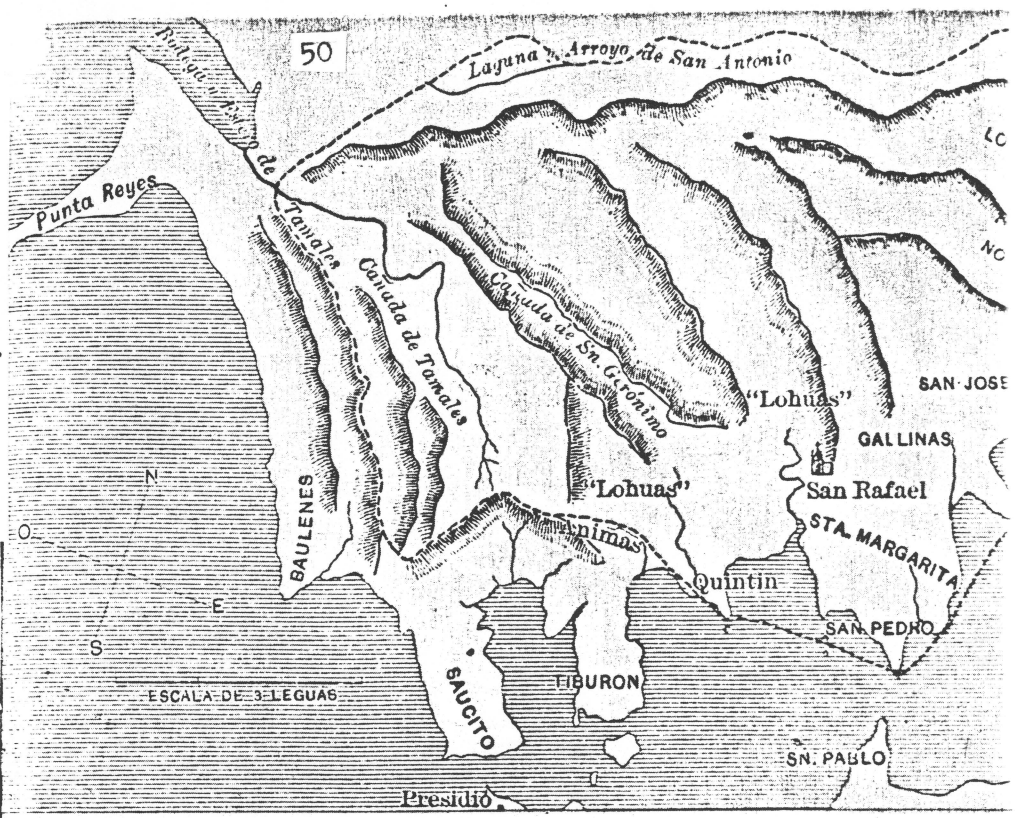
Bancroft Library,
U. of Cal, Berkeley



This is a copy of a Spanish map of the area that would become Marin County after the U.S. Takeover. H.H. Bancroft, Hist. of Calif. Vol. III, p. 717.

See also S. ANTONIO in print but without any natural features. Vol. V, p. 163.

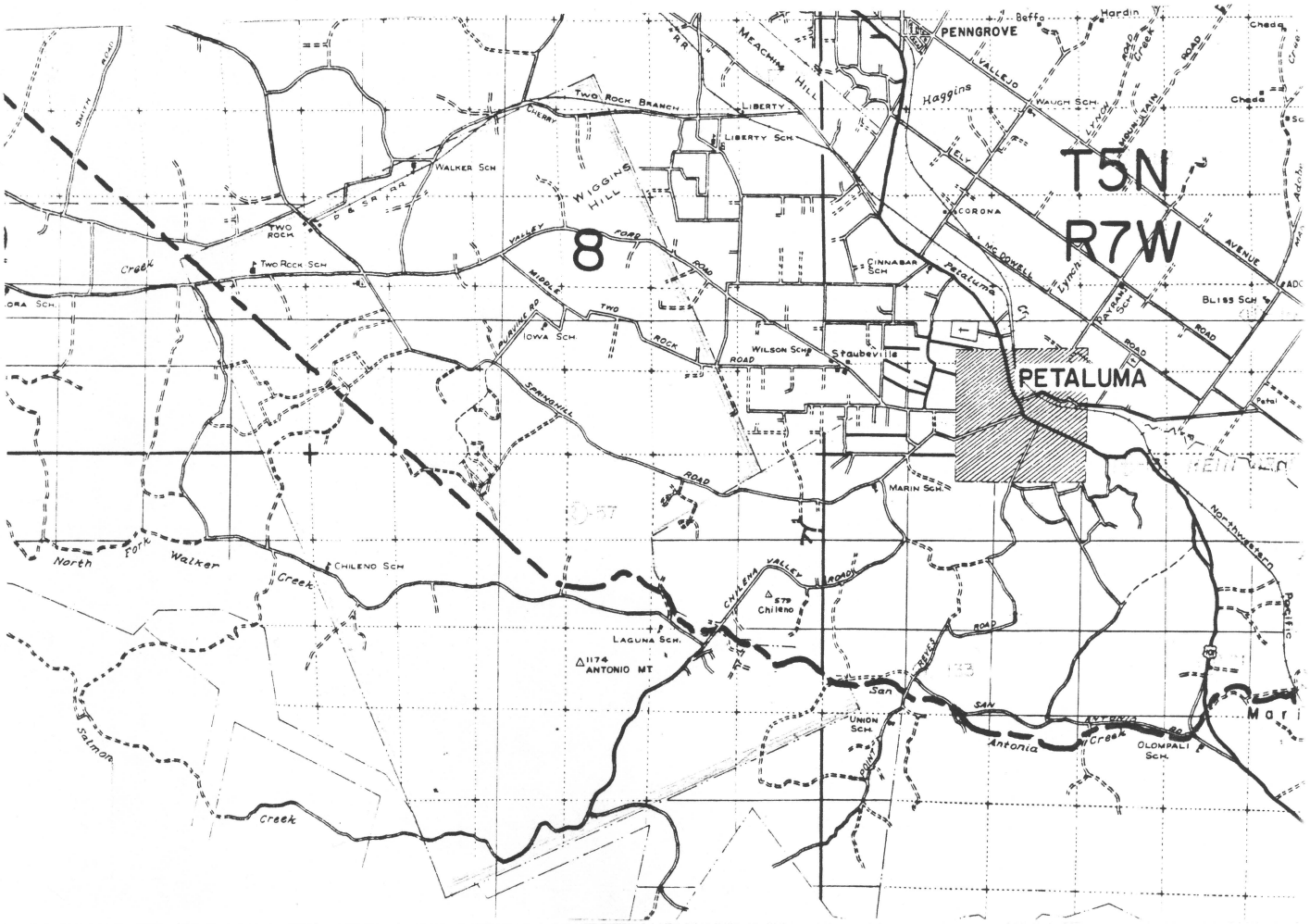
Below is a Sonoma Co. visitors map which shows the grant boundary of the U.S. Govt. Survey of the 1850's. This map was issued in the 1960s but is older. The Chileno school is long gone.



CALIFORNIA HISTORICAL SOCIETY

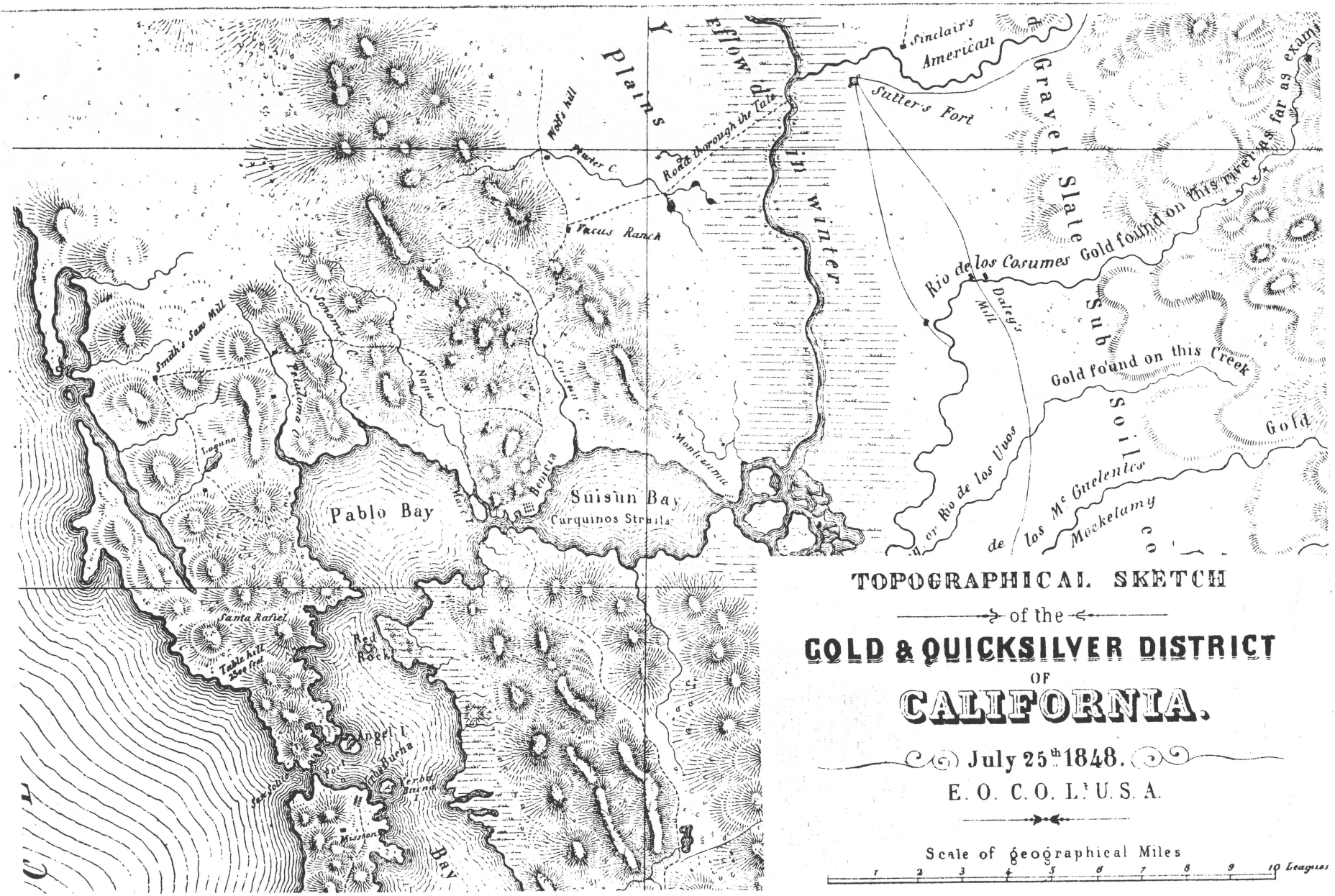
from Californias Missions
Yesterday and Today
by Spencer Crump

The missions had vast land holdings during the Spanish period, but lost most of their property under the Mexican regime. This map shows the holdings of Mission San Rafael, north of San Francisco in 1834.



This map was published for the book by Eugene Duflot de Mofras who came to Calif. in 1841. It shows the location of the Bojorques and the non-existent Misn. Asistencia of Santa Rosa. Salvador Vallejo when tired of de Mofras questions told him of the supposed mission where vanilla was grown. The area had been scouted years before as a mission site Fr. Juan Amoros. Hist. Spots in Cal. 1966 edition, p. 533, has one account.

DANS LA HAUTE CALIFORNIE
et
du terrain compris entre
le Sud du Port de la Bodega
et la Baie de San Francisco



TOPOGRAPHICAL SKETCH

of the

GOLD & QUICKSILVER DISTRICT

OF

CALIFORNIA.

July 25th 1848.

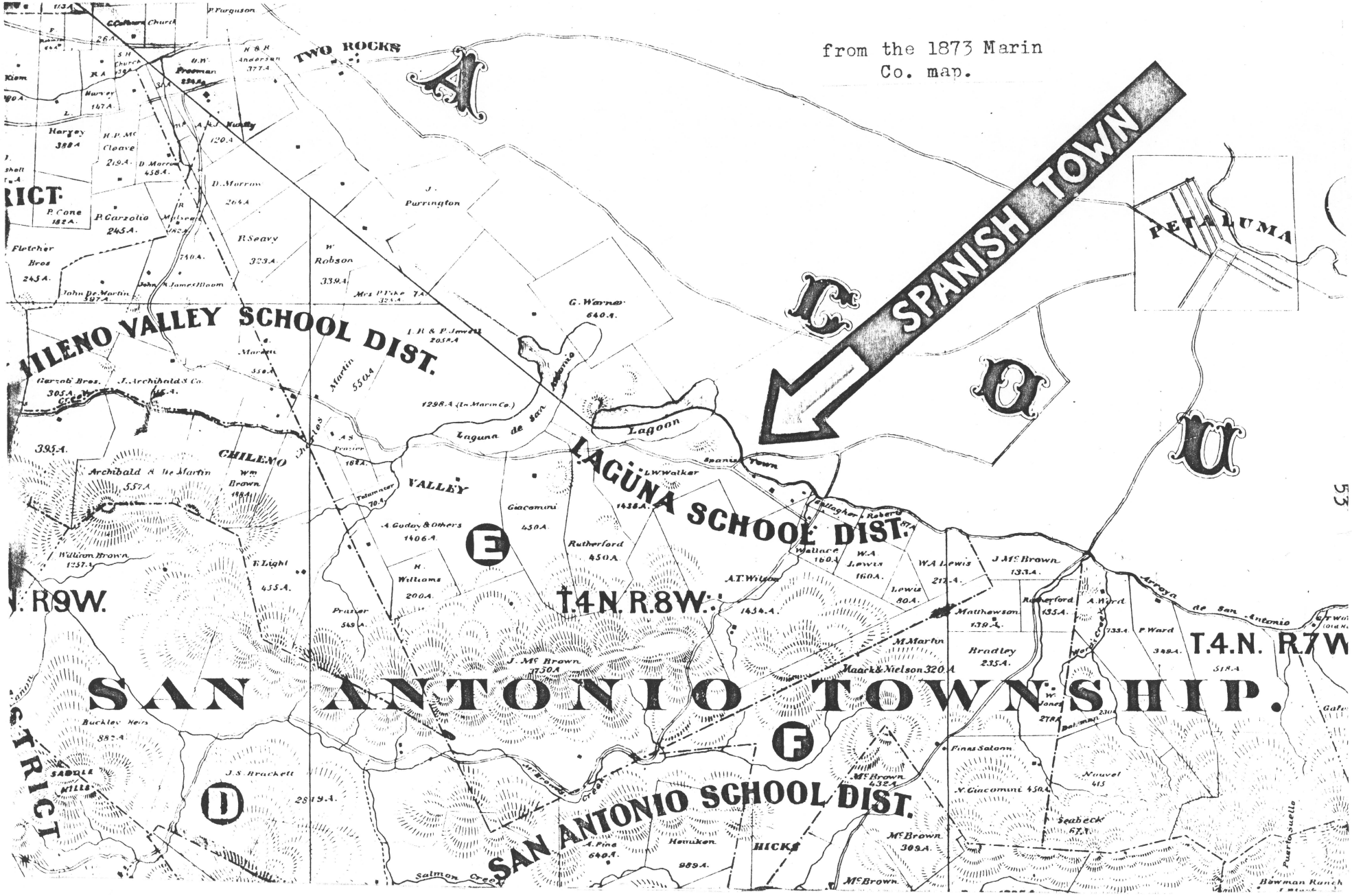
E. O. C. O. L. U. S. A.

Scale of geographical Miles

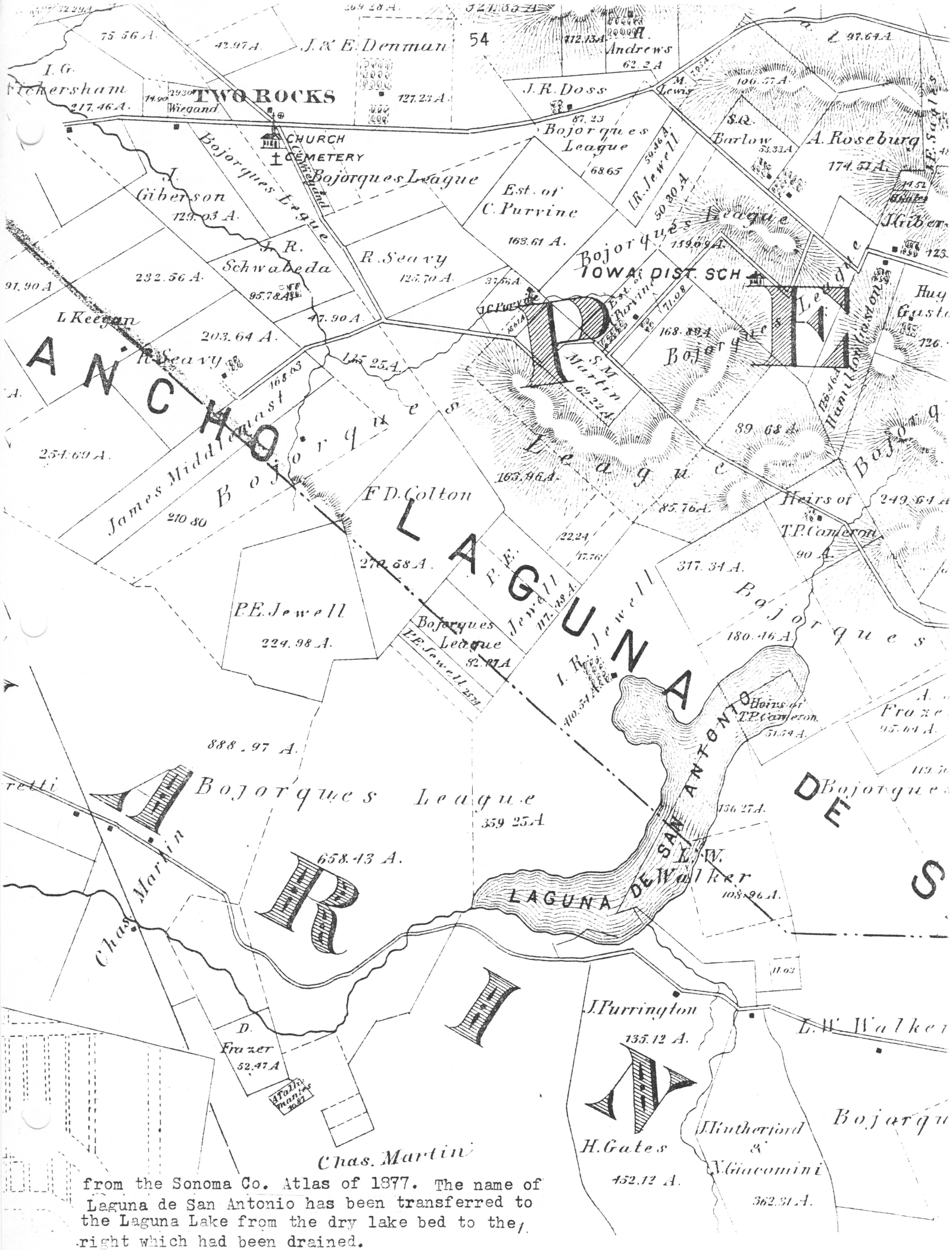
1 2 3 4 5 6 7 8 9 10 Leagues

52

Note the Laguna at the Bojorques site.



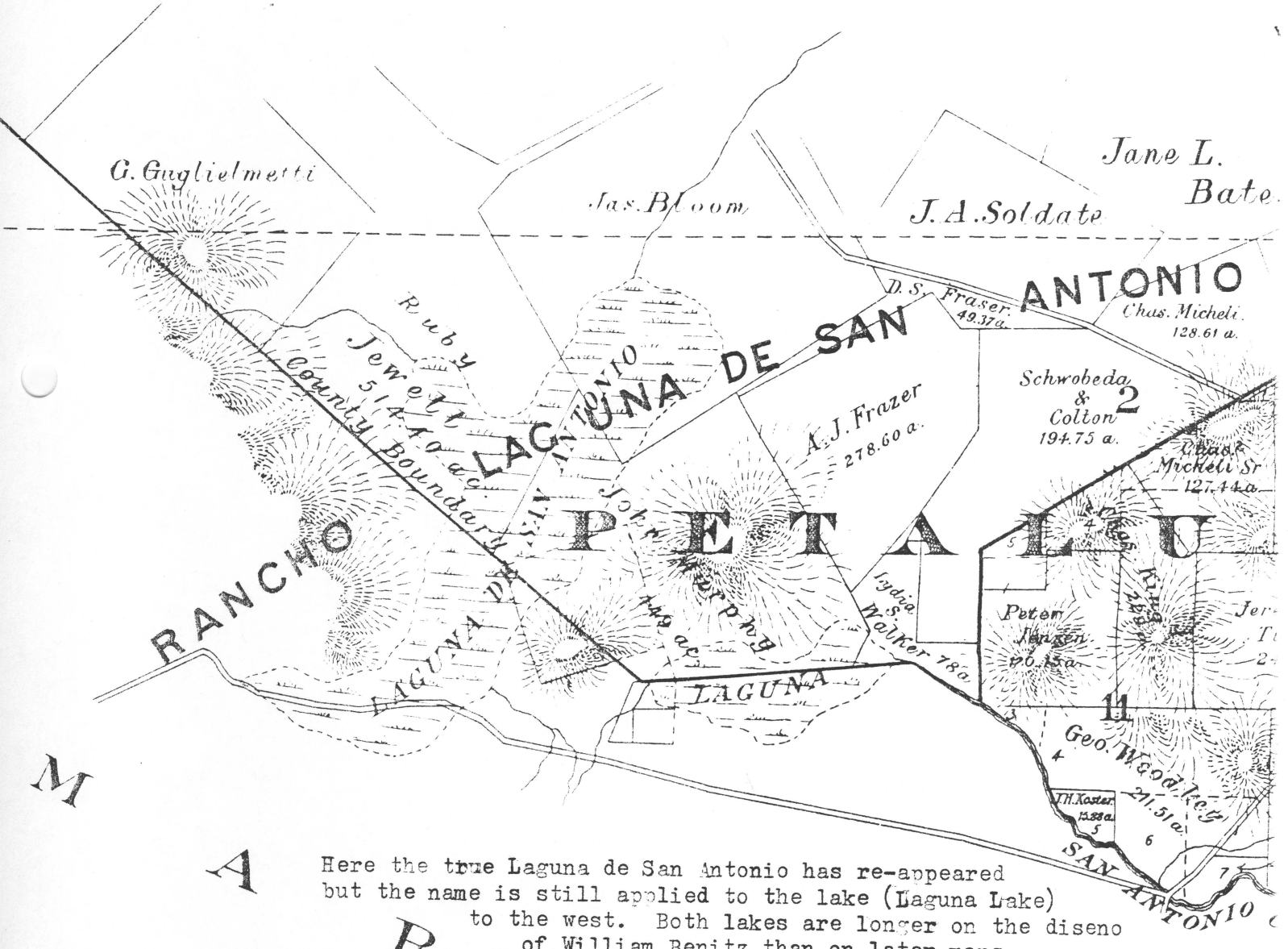
The 1880 Marin Co. History said Spanish Town was 30 acres and that descendants of the grantee lived there.



from the Sonoma Co. Atlas of 1877. The name of Laguna de San Antonio has been transferred to the Laguna Lake from the dry lake bed to the right which had been drained.

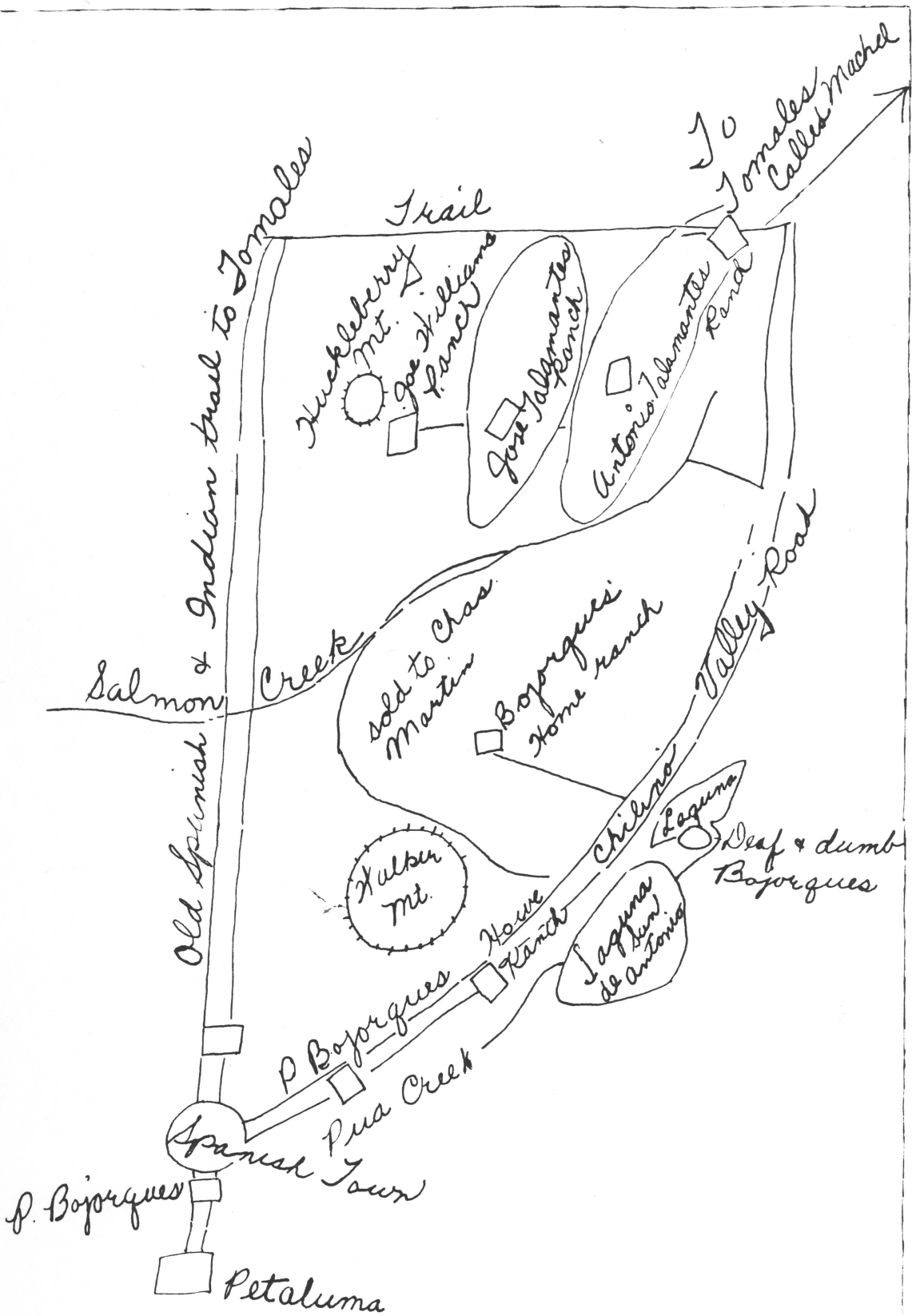
from the Sonoma County Atlas of 1898

SEE PAGE 63



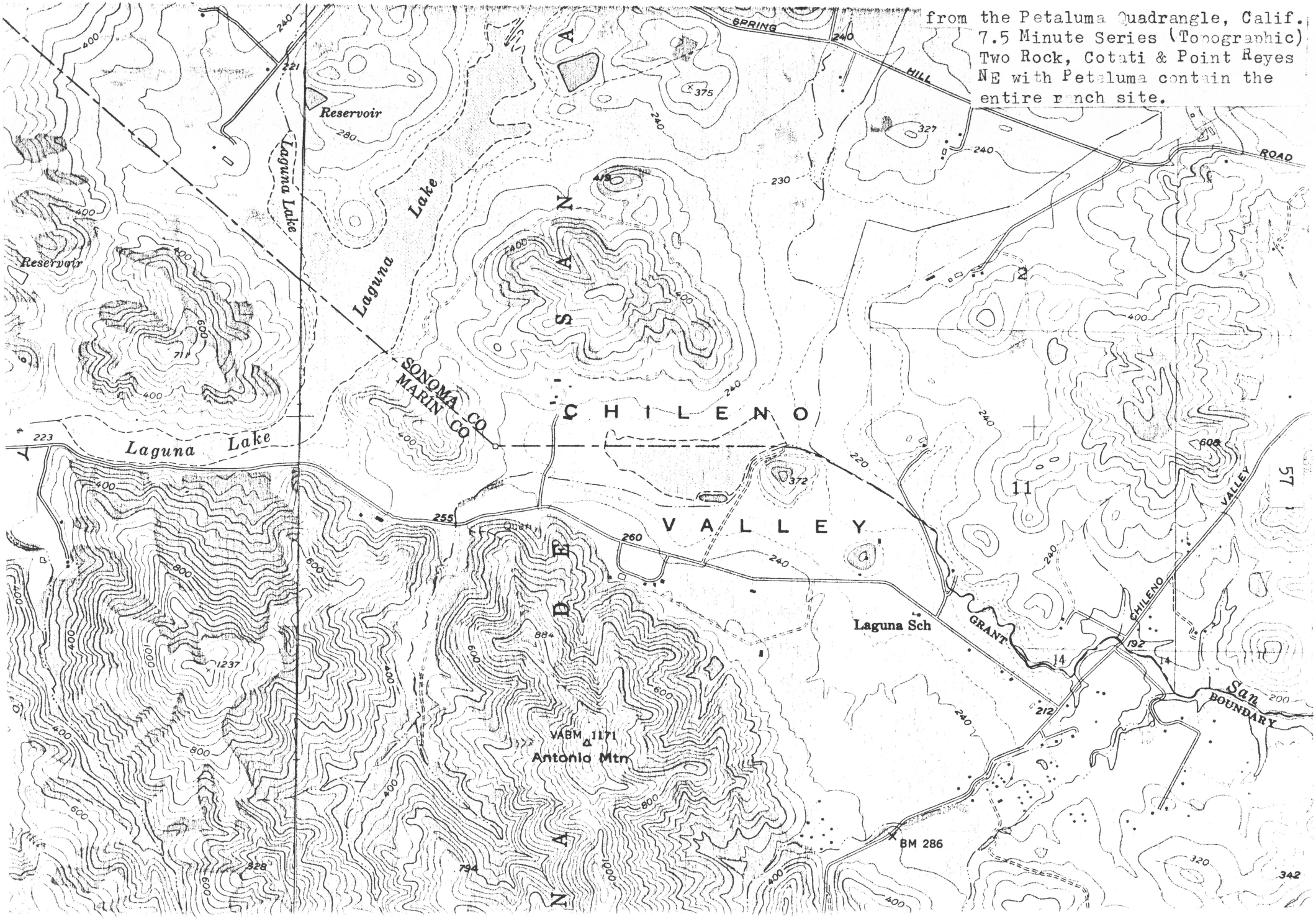
Here the true Laguna de San Antonio has re-appeared but the name is still applied to the lake (Laguna Lake) to the west. Both lakes are longer on the diseno of William Benitz than on later maps.

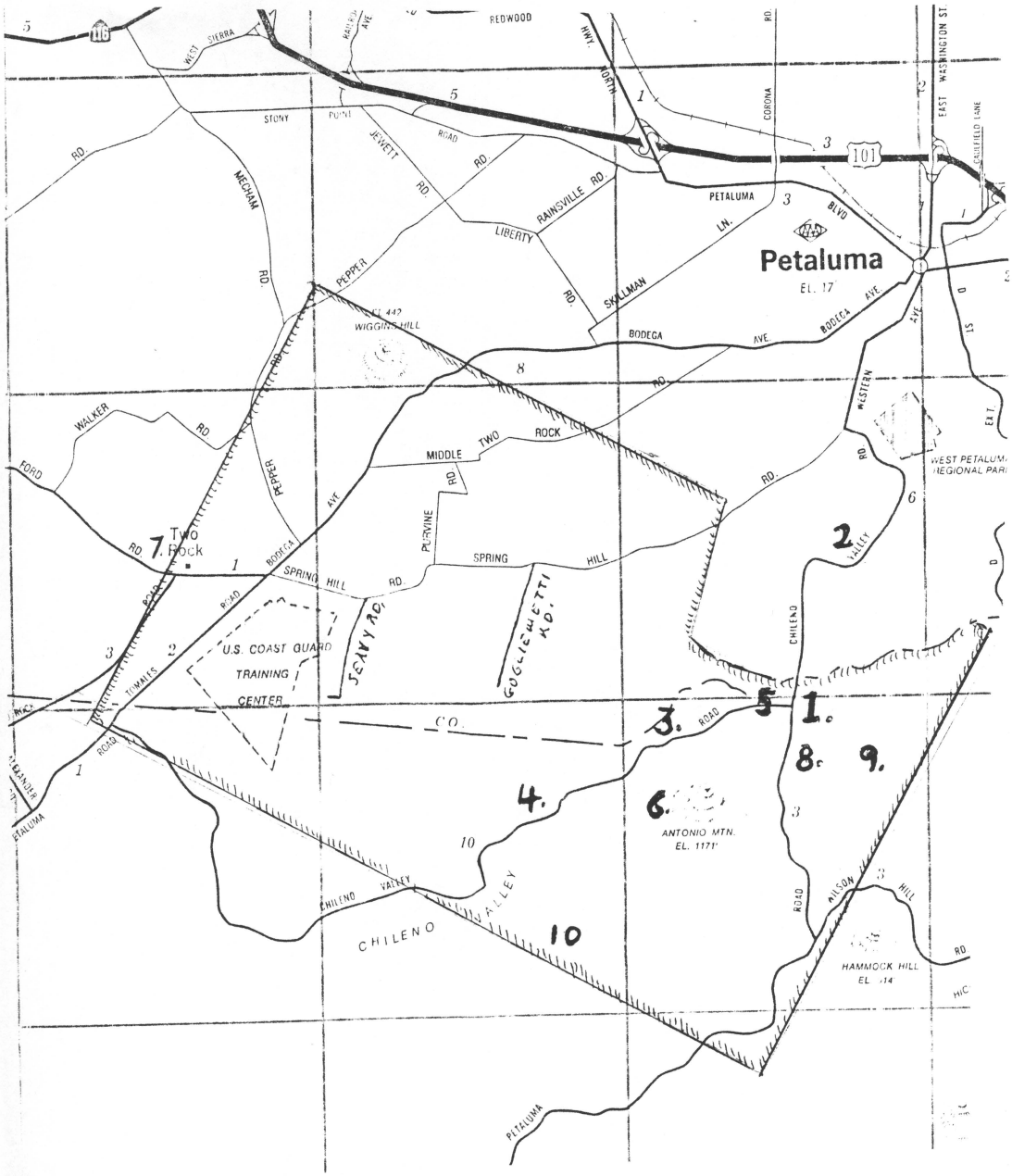
T. 4 N. R. 8 W.



CHILENO VALLEY

Copy of map drawn by Enos Valencia, who was born in a Spanish Town nearly 100 years ago.


from the Petaluma Quadrangle, Calif. 7.5 Minute Series (Topographic) Two Rock, Cotati & Point Reyes NE with Petaluma contain the entire ranch site.
Reservoir
Laguna Lake
Laguna Lake
Reservoir
Laguna Lake
SONOMA CO
MARIN CO
CHILENO
VALLEY
SPRING
HILL
ROAD
CHILENO VALLEY
GRANT
Laguna Sch
San
BOUNDARY
VABM 1171
Antonio Mtn
BM 286
SANTA ROSA
SANTA ROSA



from the AAA map of Marin Co. See pp. 10, 11, 12.

1. Mmayelle or San Vicente. Amayelle was the Indian name and San Vicente of the Northern Frontier or Canada de San Vicente, the Spanis
2. Melaya. Site of an Indian Village from Kroeber's Handbook of Calif. Indians.
3. Ocolom or Laguna de San Antonio.
4. Laguna Lake.
5. Spanish Town.
6. San Antonio Mtn.
7. Santiago de las Dos Piedras, Two Rock.
8. Associated with Joaquin Murrietta. Slopes with small oaks and outcrops.
9. Portazuela de San Antonio. Part of trail from Mission San Rafael to Bodega.
10. Site of Jose Williams rancho

2008-507-4